

MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, November 5, 2014

Time: 6:30 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Laura Cameron, Mary Beth Fitzburgh, Jen Goff, Marie Hawkins, Bill Rau

Absent: None

Others Present: None

Clerk/Recorder: Faylene Roth

REGULAR MEETING

1. CALL TO ORDER

Cameron called the Meeting to Order at 6:33 P.M.

Open Public Comment. - None

2. APPROVAL OF MINUTES

Regular Meeting October 1, 2014.

Fitzburgh moved to approve the Minutes as presented. Rau seconded the Motion.

Fitzburgh, Hawkins, and Rau approved the Motion. Cameron and Goff abstained. The Motion passed with three in favor and two abstaining.

3. REPORTS

Correspondence. – None.

Town Council Meeting – Chair.

Fitzburgh reported that Jeff Whitney (Grand County Building Inspector and Castle Valley resident) attended the last Town Council Meeting to explain Grand County's decision to join the Federal Emergency Management Agency's (FEMA) flood insurance plan. According to Whitney, the County already had a flood hazard map, but it will cost \$150,000 to upgrade it, as required by FEMA. Anyone living within a flood hazard area would be required to purchase flood insurance. Whitney said that it would be very expensive for the Town of Castle Valley to develop a flood hazard map. He also said that Castle Valley homeowners who want it are currently able to get flood insurance from private insurers. He recommended that Castle Valley not participate in FEMA's flood insurance plan. According to Fitzburgh, the Town Council decided to drop this item from further consideration.

Hazard Mitigation Committee – Rau.

Rau reported that a customer relations representative and the newly appointed regional manager from Rocky Mountain Power (RMP) attended the last Hazard Mitigation Committee (HMC) Meeting. According to Rau the RMP representatives described new technology that has been installed in our area that enables RMP to more quickly identify where problems occur. The regional manager explained that, once identified, the information is forwarded to RMP's Moab office where they can be handled quickly.

Rau said that the RMP representatives asked whether the power supply was better now

than one year ago. According to Rau, the general agreement was that it is better. Rau reported that HMC members are currently writing their final reports, but there is not yet a complete draft for review.

Permit Agent.

Roth submitted a report showing that four permits were issued during the month of October: an electrical permit and a septic permit for Lot 155, a building permit for a garage on Lot 246, and a building permit for a shed on Lot 284.

Procedural Matters.

Cameron reported that Hawkins had earlier requested that the PLUC draft an ordinance to prohibit pit bulls in Castle Valley. According to Cameron, after discussion with Fitzburgh, she learned that the Powers and Duties Handbook states that the Planning and Land Use Commission (PLUC) addresses ordinances that have to do with land-use issues. That means that it would be up to the Town Council to decide a pit bull ban as part of its Animal Control Ordinance. Cameron suggested that Hawkins talk directly with the Town Council in order to proceed with this request.

PLUC Members discussed the distinctions between land-use issues and other issues of concern to the Town. Cameron reported that she will further research Town Ordinance 2007-4: An Ordinance Establishing When The Town Council Of The Town Of Castle Valley Formally Initiates Consideration Of An Amendment To Land Use Ordinances to determine how it applies to this question.

Rau asked for clarification about the Joint Workshop with the Town Council which is scheduled immediately prior to the December 3, 2014, PLUC Meeting. Cameron explained that Mayor Erley had asked for the Joint Workshop so that Council Members and PLUC Members could discuss their concerns and reasons for the recommended amendments to Ordinance 85-3 regarding conditional use permits. Cameron said that Erley had initially asked to also include discussion of proposed amendments to the appeals procedure. She thought that was too much for one Meeting since a Public Hearing was also planned for the December Meeting. She asked that only questions regarding amendments to conditional use permits be discussed during the Workshop.

Fitzburgh reported that she has had some recent problems with email transmissions. She asked Roth to check with the Town Clerk to determine if others are experiencing any problems with their emails and ask her to contact Neal Herbert, the Town website designer, if needed.

NEW BUSINESS

4. Meeting Dates for 2015.

PLUC Members agreed to schedule PLUC Meetings on the first Wednesday of each month for the 2015 calendar year. It was noted that Meetings can be cancelled if properly noticed.

5. Discussion re: upcoming conditional use permit and business license renewals.

Roth presented a list of the current conditional use permits (CUP) eligible for renewal. She noted that Straight Edge Automotive was not sent a renewal application since its permit was not renewed when the owner moved to a different location. Roth said that 2014 Business Licenses were issued to all CUPs that were not identified as “inactive” with the exception of Synergy—which receives its business license through Grand County. According to Roth, the Castle Valley Inn and two agricultural businesses

also currently receive business licenses through Castle Valley. Fitzburgh asked that Roth send a list of Business License Renewals to PLUC Members before their next Meeting.

Cameron observed that some of the conditional use permits are marked as "Routine," while others that appear to be routine are not marked. Fitzburgh said that Ordinance 85-3 was changed in 2008 to allow the "Routine" designation.

Cameron asked if the Town should continue to provide postage for the return envelope sent with the CUP renewal applications. PLUC Members asked Roth to talk with the Town Clerk and Mayor about whether to continue this practice.

Fitzburgh requested that Rick Fullam and Greg Nunn be asked to include a copy of their Utah State inspection reports with their renewal requests.

6. Discussion re: possible changes to Ordinance 85-3 concerning conditional use permits.

PLUC Members reviewed the proposed draft amendments concerning conditional use permits that were previously recommended to the Town Council. They unanimously agreed that they supported the amendments as written. Cameron noted that they should delete the definition for foster care homes in the Definitions section since they had deleted foster care homes as a conditional use in Section 4.5.F. PLUC Members agreed. Roth will implement the change and will delete the "Comment" sidebar from the draft before posting on the website for public review.

PLUC Members decided to delay the Public Hearing for these amendments until after the Joint Workshop with the Town Council on December 3, 2014, and to hold just one Public Hearing that would include these amendments as well as the proposed amendments for changes to the Town's appeal authority process. The two current Board of Adjustments members have agreed to continue to serve until a decision has been made concerning the appeal authority.

Fitzburgh will send PLUC Members an email with a copy of a document from the Utah League of Cities and Towns that provides a sample ordinance that includes brief justifications.

Fitzburgh moved to table Item 6. Rau seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

UNFINISHED BUSINESS

7. 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).

Fitzburgh moved to untable Item 7. Goff seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

Cameron thanked Fitzburgh for her work in drafting these changes. In Ordinance 85-3 all references to "Board of Adjustments" were changed to "Appeal Authority" or "Appeal Officer." PLUC Members also agreed to delete the last two words on page 3 and to change "sited" to "sites" in the first line of the definition for "Grade, Existing." Members also agreed to follow all definitions with a colon.

PLUC Members continued their discussion from their last Meeting concerning their preference for retaining the three-member Board of Adjustments versus the one-person Appeal Authority. Hawkins restated her opinion that a three-member local board is a

better option for Castle Valley. She acknowledged the argument of other PLUC Members regarding the inability to fill the current Board and the lack of interest amongst residents to be involved in decisions that might impact their neighbors. PLUC Members agreed to proceed with development of proposed amendments to Ordinance_85-3 to allow for a one-person appeal authority.

Cameron reported that she had spoken with current BOA Member Jennifer Mengel. According to Cameron, Mengel thought it was good to have an outside person as the Appeal Authority, but she also felt it would be important to have community involvement because of the small, unique nature of Castle Valley. Cameron invited Mengel to attend the Public Hearing on this matter to share her opinion. Cameron said that Jeff Johnston, BOA Alternate Member, was unavailable when she called. Cameron suggested that PLUC Members proceed with consideration of proposed amendments drafted by Fitzburgh, submit them for a Public Hearing, and then make their recommendation to the Town Council.

Fitzburgh reported that changes to Ordinance 85-3 were primarily title changes in addition to a few spelling and typographical corrections. PLUC Members reviewed and accepted the draft changes from its last Meeting to Ordinance 2006-3 with minor corrections to phrasing and grammatical errors. They discussed an earlier suggestion that would allow the Appeal Officer to make decisions through email communications. Considerations for email included lowers costs to the Town, but some Members noted it would reduce the opportunity for people to give their input. No decision was reached; the matter was deferred for later discussion. Cameron asked whether the formal legalistic language was too restrictive. Fitzburgh replied that she thought it allowed a lot of leeway to the Appeal Authority. Rau responded that a lawyer in this position may want clear structure about how we want the Appeal Officer to operate. Fitzburgh said she thought that since this is a quasi-judicial position, the language should be formal. Rau asked about the Town's responsibility in paying a fee to an out-of-town Appeal Officer if the appellant failed to attend the Hearing. Fitzburgh said she was uncertain how the Open Public Meetings Law applied to a Hearing for one person since there is no quorum to meet. Further discussion continued about differences between the terms "variance" and "use" as applied to the appeal process.

PLUC Members agreed to send a draft of proposed changes to the Town Council along with the PLUC's monthly report.

Goff moved to retable Item 7. Hawkins seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

8. Discussion and possible action re: regulations for solar panels, windmills, and other alternative energy structures (tabled).
Left tabled.
9. Discussion and possible action re: reviewing and amending Ordinance 96-1: Watershed Ordinance (tabled).
Left tabled.
10. Closed Meeting (if needed).
None.

ADJOURNMENT

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

Cameron adjourned the Meeting at 8:45 P.M.

APPROVED:

ATTESTED:

Laura Cameron, Chairperson Date

Faylene Roth, PLUC Clerk Date

APPROVED