

MINUTES
PUBLIC HEARING ON DRAFT AMENDMENTS TO THE
TOWN OF CASTLE VALLEY'S GENERAL PLAN
and
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, January 15, 2014
Time: 6:30 PM
Place: #2 CV Drive, Castle Valley Community Center

Present: Chair Mary Beth Fitzburgh, Members Laura Cameron, Jennifer Goff, Marie Hawkins,
Bill Rau
Absent: None
Others Present: Jack Campbell, Pam Hackley, Jay Ogilvy (spelling)
Clerk/Recorder: Faylene Roth

PUBLIC HEARING

1. CALL TO ORDER.

Fitzburgh called the Public Hearing to Order at 6:32 P.M.

2. PUBLIC HEARING ON DRAFT AMENDMENTS TO THE TOWN OF CASTLE VALLEY'S GENERAL PLAN.

Jack Campbell: In the Housing Section, Campbell suggested the following language to clarify the distinction between types of residents and property owners: "resident and nonresident property owners and renters." He also noted that demographic information about Castle Valley was scattered throughout the General Plan, but he thought an introductory section on demographics would be more useful. He asked that it include the number of home/premise occupations in the Town. In the Land Use Section, he suggested including as citations the names of the watershed studies which include the recommendation of one dwelling per 15 acre minimum in Castle Valley. In Land Use Policy #11 Campbell expressed appreciation for the use of the terms "non-invasive" and "fitting the natural landscape" in setting guidelines for a potential cell phone tower in the Valley. He suggested Porcupine Rim next to the telephone relay as a location. Regarding the reference to maximum square footage in the Housing Section, Campbell seemed to remember that one of the Town's Attorneys—in the course of the hearings for the square footage restrictions—"may have said" that the Town could do this to protect surrounding property values should a house block the view of others. In the Water Section, third paragraph, second sentence, he suggested changing the word "unconsolidated" to "unconfined." (There was general discussion about the U.S. Forest Service definitions of these two terms and which was appropriate in this context.) Campbell noted that several water studies have been done for the Town that provide justification for many of the things the Town is now doing and suggested listing at least the major studies and legal documents that describe and designate Castle Valley's sole-source aquifer. He asked why the word "quantity" was replaced with

“availability” in Water Policy #11. (Fitzburgh replied that the Town’s Water Agent, John Groo thought availability was better used here since it refers to water that the Town has some ability to control.) Campbell expressed his belief that Forest Service management could affect quantity of water not just availability. He said he would like to see the Forest Service and the Bureau of Land Management (BLM) designate the upper part of our watershed within their jurisdictions as the “Castle Valley Watershed.” He indicated this would be useful if anyone ever asked to work a Placer Creek mining claim. (Fitzburgh noted that the recharge area of the Castle Valley aquifer is recognized by the Forest Service and/or BLM. Pam Hackley added that this recommendation has been made to the Forest Service. Fitzburgh commented that this proposal could be included in Water Policy #6.) In the Environmental Concerns Section Campbell felt that the Town’s underground power ordinance should be a component of Policy #11. He disagreed with the statement in the Town Government Existing Conditions Section, third paragraph, that suggested the Town faced limited future growth. He thought there was room for extensive build-out on undeveloped lots. He thought it important to realize that future growth did not mean more available tax revenue for the Town because the increased revenues “get eaten up” by increased costs (roads, etc.). Campbell also expressed concern about livestock that is not properly cared for and maintained. He observed that Castle Valley’s zoning for “agricultural/residential” is “unusual.” He thinks that livestock should have minimal impact on the surrounding neighborhood and suggested that future ordinances use the phrase “best management practices.” Campbell also referenced two phrases which he thought would be useful for the Town to consider in setting future policies: “hierarchy of property rights” and “fundamental property rights.”

Pam Hackley: Hackley commended the PLUC for a good job on the General Plan Draft. She liked the use of separate sections for existing conditions and policies. She, too, thought a more detailed demographics section describing the character of the community would be useful and appropriate. She also appreciated the list of examples in the Introduction of how sustainable practices could be implemented. Hackley noted inconsistencies throughout the General Plan in how the Fire Department was identified. She suggested that they contact the Fire Department to get its official name. She also noted that the Fire Department is an autonomous entity separated from the Town and thought that should be clarified in the Land Use Existing Conditions Section, second paragraph, in describing the relationship of the firehouse to the Town lot. Hackley agreed with Campbell that the most important water studies should be listed in the General Plan—definitely the sole-source aquifer study and the one that suggests one dwelling per 15-acre lot. She noted that a reference in the Land Use Policies Section, Item #7, refers to land along the green belt. Hackley observed that parts of the green belt are owned by private citizens, so the Town can only manage the parts that it owns. Hackley also felt that some of the items listed in the policies sections were very specific, more like action items, which she thought “inappropriate” for the General Plan. She suggested that actions be placed in a separate section. She gave an example in Item #11 of the Land Use Policies Section which refers to putting up a cell tower. She wondered whether there should be further exploration to determine if that would increase the Town’s footprint more than can be justified. Hackley also thought it curious that people did not express concern about the Town’s inconsistent power supply. She thought it was an important issue for the General Plan to address, even though it was not included in the Survey. She wondered what happened to the power company’s offer to upgrade the system into Castle Valley. (Fitzburgh referred to page 16 where the Town’s Hazard Mitigation Committee

has identified the power line and power failures as one of the vulnerabilities in the Town. Rau added that attention to Town infrastructure is part of the Hazard Mitigation Plan.) Hackley also thought that more emphasis should be given to long-term health concerns of dust and air quality in the Valley. She would like to see some research regarding how wind, driving speed, etc. affects local air quality. (Fitzburgh referred to the Environmental Policies Section, Items #4 and #12.) Hackley suggested adding “investigate air quality and health conditions” to determine if more study was warranted. Hackley agreed with Campbell about use of the word “quantity” in Water Policy #11. She also thought it important to provide a distinction between “water provider” and “water supplier.” Both terms are used in Water Policy #12. In the Fire Protection Section, she suggested talking to one of the fire commissioners about the wildfire protection plan referred to in Policy #4. She thought Castle Valley might already be recognized as a “firewise community.” In the Environmental Concerns Existing Conditions Section, third paragraph, Hackley noted that the Utah Open Lands bordering Castle Valley are already protected as critical deer habitat and cannot be developed. She also requested that more information about the source of Town revenues be provided in the Town Government Existing Conditions Section. She asked about including the Municipal Building Authority as part of the description of the Town Government. Hackley also inquired about why there was concern about the structure of the Board of Adjustments in Policy #7. (Fitzburgh described the difficulty the Town has had in staffing the BOA. She referred to other models used by some Towns that hire a single individual to perform the function of the BOA.)

Campbell added a suggestion to include a glossary.

Jay Ogilvy: Ogilvy said that he attended this meeting to listen and “exercise his civic duty” after living in Castle Valley for three years. He also expressed concerns about junk accumulating on Town lots and asked for further explanation of the complaint resolution process (Town Government Existing Conditions Section, second paragraph. (Fitzburgh explained that the complaint resolution process begins with an anonymous letter to the Town after which a Complaint Resolution Board appointed by the Town meets with the parties involved to negotiate a mediation agreement. If mediation is unsuccessful, a lawsuit could follow.)

Hackley went on record to say the PLUC had done an excellent job with the General Plan Survey and Report. She found it to be good, fair, and informative.

(Hawkins noted that the Environmental Concerns Existing Conditions Section states that the Town’s solar array provided 100% of the power for the community building. To reflect that statement she suggested that Policy #10 should be modified to indicate “additional” energy needs.

3. ADJOURNMENT.

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

Fitzburgh adjourned the Public Hearing at 7:38 P.M.

REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

CALL TO ORDER

Fitzburgh called the Regular Meeting to Order at 7:39 P.M.

1. Open Public Comment.

Pam Hackley: On behalf of the Solid Waste Special Service District, she noted that the Town has not yet appointed a new representative. She also announced that the SWSSD will offer a community clean-up again this year. They will try to work with Green Solutions to offer recycling pick-up on the same day, although a fee may be required for the recycling. Fitzburgh advised Hackley to relay this information to the Town Council as the PLUC would not be involved.

APPROVAL OF MINUTES

2. Regular Meeting December 4, 2013.

Cameron motioned to approve the Minutes of December 4, 2013, as presented. Rau seconded the Motion. Cameron, Fitzburgh, Goff, and Rau approved the Motion. Hawkins abstained. The Motion passed with four (4) approving and one (1) abstaining.

REPORTS

3. Correspondence.

None.

4. Town Council Meeting – Chair.

Roth attended the December 18, 2013, Town Council Meeting and reported that Jazmine Duncan, head of the Town's Hazard Mitigation Committee has suggested that the Town needs a National Flood Insurance Ordinance in order for Castle Valley residents to get flood insurance. She has provided a copy of a draft Ordinance to the PLUC. Since land use issues are involved, the PLUC will need to review it and make a recommendation to the Town Council. Duncan also reported that the Committee held its first public input meeting. Topics discussed included drainage issues and solutions, communication issues, and future informational meetings for the public. Duncan also reported that John Crofts, the State Hazard Mitigation Officer will visit Castle Valley in February for a meeting with the Committee.

In other matters, the Council approved the Amended Contract with the Castle Valley Inn. They decided not to make issuance of the business license contingent on signing the Amended Contract because, according to legal advice, the Inn already operates under a Contract with the Town. They did make the business license contingent on payment of the fine issued to the Inn by

the Town Council. The Inn has signed an agreement to make three installments, the first of which has been paid. The business license has been issued. The Town Council also approved the non-routine Conditional Use Permit for Dustin Grimm's mobile auto repair business with added conditions that require Grimm to obtain insurance in the amount of \$1 million per event and allow him to use either a truck with a topper shell or a trailer.

Fitzburgh reported that the Town had received a complaint from David Rhoads, presented at their November 20, 2013, Town Council Meeting, about the Town taking its equipment to a private Castle Valley lot for repair. She and Council Member Duncan heard the complaint and determined that there had been no violation since no money was paid for the repair and it was a one-time event. She and Duncan did, however, think it was improper for the Town to have work done on private property and agreed to advise Town officials not to do so in the future.

According to Fitzburgh, Rhoads asked about Town policy on handling hazardous waste. She said that Mayor Erley informed her that the Town does have a policy which she asked be made available to the public. She said that Rhoads has offered to work with the Town to create a hazardous fuel storage ordinance for the Town of Castle Valley.

5. Permit Agent.

Roth reported that no building permits had been issued during the month of December. The non-routine Conditional Use Permit for a mobile auto repair business by Dustin Grimm based on Lot 441 was approved by the Town with the additional conditions that a \$1 million per event insurance policy be obtained by the business owner and that a truck with topper shell or trailer be allowed for use in the business.

6. Procedural Matters.

Fitzburgh asked that Roth scan and submit all future permit requests to PLUC and Town Council Members for review as they are received.

Roth informed PLUC Members that current copies of Ordinance 2006-3: an Ordinance establishing the Planning and Land Use Commission had been placed in their PLUC binders.

NEW BUSINESS

7. Discussion and possible action re: annual election of chair and vice-chair.

Hawkins moved to nominate Cameron as chair and Fitzburgh as vice-chair for the 2014 calendar year. Rau seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

Fitzburgh will write this month's report and attend the January 22, 2014, Town Council Meeting. Fitzburgh and Cameron will discuss transition duties before the February 2014 PLUC Meeting. Community members present expressed their gratitude to Fitzburgh for her service as chair.

8. Discussion and possible action re: endorsing a letter from the Town of Castle Valley to the Grand County Council regarding the Bishop public lands initiative.

PLUC Members agreed that the draft letter should be presented to the Town Council for their approval. Rau noted that individuals can also comment on the Bishop public lands initiative. Fitzburgh reported that the comment period to the Grand County Council had been extended to the end of January.

Rau presented background information which led to drafting of the letter. He relayed that U.S. Congressman Rob Bishop had suggested developing a piece of legislation to solve land disputes in Utah which revolve around conservation versus development. Bishop is currently in the process of collecting comments from parties throughout the State. Rau said that Grand County started its involvement by establishing a three-person subcommittee which is asking for comments from within the County. The Grand County sub-committee plans to hold a public meeting in February or March for additional comment. According to Rau, it will probably be the end of the year before any legislation is developed. He said that legislation must comply with the National Environmental Policy Act. Rau noted that individual comments may also be sent to Congressman Bishop or the County.

Hackley noted that there is also a parallel process in use—called Envision Utah—to look at land development issues. It was initiated and used in Washington County, Utah.

Fitzburgh suggested adding an opening paragraph to the draft letter. She submitted it in writing and suggested including potash extraction along with fossil fuels in the fourth and fifth paragraphs.

Rau proposed another change in the second paragraph. He will make the changes and email a new draft to PLUC Members for their endorsement. Rau will then forward the draft to the Town Council for their approval.

9. Discussion re: flood damage prevention sample ordinance from John Crofts, Utah FEMA National Flood Insurance Coordinator.

Fitzburgh suggested that after the February Meeting in Castle Valley with John Crofts (Utah's FEMA representative) and the Castle Valley Hazard Mitigation Committee, the PLUC should proceed with research of the pros and cons of adopting a flood insurance ordinance which would include determination of what other Utah communities are doing. Following research, the PLUC would hold a Public Hearing and then make a recommendation to the Town Council. Hackley noted that Moab and Grand County opted not to be involved with the FEMA flood insurance program. She suggested contacting Mary Hofhine to find out more about why they made this decision. Fitzburgh thought it might be possible to write a draft and hold a public hearing in April.

Rau will attend the February Meeting with John Crofts. Questions for Crofts will be submitted to Rau before the Meeting. Concerns that were discussed included criteria for determining flood

hazards, as well as feasibility, applicability, and cost of complying with a national flood insurance ordinance.

Fitzburgh will email PLUC Members and those present with a link to Castle Valley hazard maps. Cameron will contact Hofhine about the County's decision to opt out of FEMA.

Cameron moved to table Item 9. Hawkins seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

UNFINISHED BUSINESS

10. Discussion and possible action re: General Plan Review (tabled).

Rau moved to untable Item 10. Cameron seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

Members reviewed and discussed comments received from the public during the Public Hearing.

They agreed to add a demographics section using 2010 census data on age, gender, etc. They will also include the number of home/premise occupations in the Town. Fitzburgh will prepare a draft for the next Meeting.

After discussion, Members decided the descriptions already in use in the General Plan regarding residents and property owners were adequate in describing the Castle Valley community. They also agreed that the principle of hierarchy of property rights was covered in the language of the General Plan and required no additions or changes.

Fitzburgh offered to find out the proper title and wording to use in referring to the firehouse and the fire district. Rau will research citations for the septic density study and the sole-source aquifer document.

PLUC Members noted that "best management practices" for livestock management were already used in the Town's ordinance. They did agree that the reference to green belt parcels should be identified as those "owned by the Town." They also agreed to leave the Policies sections as they are without separating specific actions from policies.

Cameron will draft language to use in the paragraph on cell phone service that will suggest investigation of the pros, cons, and possible health hazards of a cell phone tower. They agreed that Hackley's concerns about the poor electrical service within the Town were being covered by the Hazard Mitigation Committee. They also agreed that the original discussion about square footage limitations within Castle Valley had been about viewshed not property values.

In the Housing Section, Cameron proposed deleting a phrase in Policy #11. She suggested that the phrase "due to increasing real estate values" should be deleted since that may no longer be the case.

Rau reported that he could find no federal law to support the need for the Town to create regulations for group homes for seniors as stated in the Housing Section, Policy #9. He will contact Meg Ryan, Utah League of Cities and Towns, who was the source for this information.

In reference to Hackley's concerns about air quality, PLUC Members confirmed that dust issues were addressed in the Transportation Section, Policy #8, and in the Environmental Section, Policy #12. They decided to add language, as Hackley suggested, to "research current air quality issues to see if more study was warranted."

Fitzburgh will research use of the terms "unconsolidated" and "unconfined" as they apply to the third paragraph in the Water Existing Conditions Section. It was also agreed that the term "water supplier"—as used in Policy #12-- would be explained. Fitzburgh will check with John Groo, Water Agent, and Mayor Erley about Campbell's recommendation for an official designation of the Castle Valley Municipal Watershed from the Forest Service and the BLM. Members agreed to retain Groo's use of the word "availability" in the Water Section.

Goff offered to contact Bob Lippman, Fire Commissioner, to determine the Town's status with the Community Wildfire Protection Plan and as a Firewise Community.

In the Environmental Section, third paragraph, the phrase "owned by Utah Open Lands" will be deleted. Also, Policy #10 will be modified to add the word "additional" before "...energy needs most efficiently." A reference to the underground power ordinance will be added in Policy #11. PLUC Members decided suggested changes to the Town Government Existing Conditions Section regarding a population increase would be editorializing. They did agree to add additional revenue sources in the Town Government section, but decided not to add the Municipal Building Authority and not to include a glossary.

PLUC Members made the following decisions on formatting the General Plan: section headings centered without numbers, footers used to track the sections, inclusion of a table of contents, no border, and headers printed in color.

Fitzburgh will prepare a new draft with most recent changes and Rau will provide a formatted version.

Hawkins moved to retable Item 10. Rau seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

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

Left tabled.

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

Left tabled.

13. Closed Meeting (if needed).

None.

ADJOURNMENT

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

Fitzburgh adjourned the Meeting at 9:40 P.M.

APPROVED:

ATTESTED:

Laura Cameron, Chairperson

Date

Alison Fuller, Town Clerk

Date

APPROVED