

MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, January 6, 2016
Time: 6:30 PM
Place: #2 CV Drive, Castle Valley Community Center

Present: Jocelyn Buck, Mary Beth Fitzburgh (participated remotely by speaker phone),
David Harris, Bill Rau

Absent: Marie Hawkins

Others Present: Laura Cameron, Randy Jorgen, Wayne Newton, Michael Peck

CALL TO ORDER

Rau called the Wednesday, January 6, 2016, Regular Meeting of the Planning and Land Use Commission (PLUC) to order at 6:37 P.M.

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

Buck nominated Rau for chair. Harris seconded the nomination. Buck, Fitzburgh, Harris, and Rau approved the nomination. The nomination was unanimous.

Buck nominated Fitzburgh for vice-chair. Harris seconded the nomination. Buck, Fitzburgh, Harris, and Rau approved the nomination. The nomination was unanimous.

2. Open Public Comment.

Cameron expressed her concern about the increasing use of yurts on upper Taylor Lane lots that are not required by the Town to install septic systems. She requested that the Town consider adding something to its Ordinance to require some type of on-site sewage system on properties that use yurts, teepees, etc. for dwellings. Cameron also expressed concern about potential drainage issues that could affect neighboring properties when new property owners build or re-route roads through their lots without appropriate advice. She favored the decision to develop an information sheet for new owners.

Rau explained that the State Sanitarian is currently developing new guidelines with the State for waste disposal systems that could be used in these situations. He said that the PLUC will work with Southeastern Utah Health Department Sanitarian, Orion Rogers, on this issue. Rogers has been invited to attend a future PLUC Meeting.

Fitzburgh relayed that the current Watershed Ordinance (Section 4.6) states that anyone camping on their lot must have a sewage disposal system that is approved by the State Sanitarian. She also related that Ordinance 95-6 (Section 4) forbids any changes that alter where water enters or leaves a lot. Fitzburgh acknowledged that this may be a matter of enforcement and suggested that Cameron present her concern to the Town Council.

Rau reported that the PLUC was in the process of developing an information sheet that the Town will send out to new property owners. He was not sure if it included drainage issues. Fitzburgh said that drainage is included in the key zoning rules.

Peck said that he was aware of other lots with teepees or small cabins that do not seem to have a "loo" of any type. He asked if these actions would be retroactive.



Fitzburgh replied that the Watershed Protection Ordinance was written early in the Town's history. She said that, even if a structure may be grandfathered in, it would still need to have a waste disposal system.

Roth added that the proposed key zoning information sheet would target new owners as well as lots that are not in compliance. She said that Orion Rogers is fully onboard to ensure that all lots are in compliance.

Cameron said that San Juan County has a rule that all septic systems must be updated to current standards when a lot is sold.

Fitzburgh observed that there are certainly old systems within Castle Valley that do not meet current code.

3. Approval of minutes.

Regular Meeting of December 2, 2015.

Fitzburgh moved to approve the Minutes of December 2, 2015, as presented. Buck seconded the Motion. Buck, Fitzburgh, Harris, and Rau approved the Motion. The Motion was passed unanimously.

4. Reports.

Correspondence – None.

Town Council Meeting – Fitzburgh.

Fitzburgh reported that the Town Council (TC) had liked the draft of key zoning rules and approved putting it on the Town's letterhead and covering the cost of the mailing. Roth will pick up an updated list of property owners from the County Recorder's office on Thursday. Fitzburgh also reported that David Harris was approved to fill the PLUC vacancy. She relayed that the TC would be sending someone to the CIB Meeting that was scheduled for today. She also reported that the TC is reviewing permit fees. She reported that a cost analysis from Roth, the Permit Agent, reveals that the Town does not break even if time for giving general building information to prospective buyers or builders is included. She noted that it is not clear whether permit fees should cover that cost. According to Fitzburgh, the decision to raise fees is up to the TC; although in the past, the PLUC Chair and the Permit Agent collaborated on the analysis. More recently, she said, Roth has prepared the cost analysis on her own. PLUC Members agreed that Roth will send her recommendations to the PLUC for comments before submitting the recommendation to the TC. Lastly, Fitzburgh reported that the TC approved the conditional use permit and business license renewals as recommended by the PLUC.

Permit Agent.

Roth submitted a report for permit activity during December 2015 which included a Certificate of Occupancy inspection on Lot 124 Pace and a Temporary Dwelling Permit for an RV on Lot 298 Pope.

Procedural Matters – None.

NEW BUSINESS

5. Discussion and possible action re: recommendation to Town Council regarding lot line adjustment between Lots 373 and 389.



Randy Jorgen, owner of lots 373 and 389 presented a map detailing a simple lot line adjustment that transfers 70 feet of Lot 389 to Lot 373. The final lot sizes would be Lot 373-21.06 acres and Lot 389-5.28 acres.

Fitzburgh recused herself from the discussion and vote due to a financial conflict of interest.

Roth stated that no lot line adjustments in Castle Valley can result in a lot that is less than 5 acres and that accessibility and/or the need for an access easement should be clarified. She noted that the smaller lot will still exceed 5 acres and that access to the outer lot is available from the Town's current road easement.

Buck moved to approve this property line adjustment and to recommend its approval to the Town Council. Harris seconded the Motion. Buck, Harris, and Rau approved the Motion. Fitzburgh recused herself. The Motion passed with three in favor, none opposing, and one recusal.

6. Discussion and possible action re: recommendation to Town Council regarding a nonroutine conditional use permit application for a soil amendments business on Lot 186.

Wayne Newton, who rents the house on Lot 186 and is the proprietor of Multavita--an existing business formerly operated in Montana, was present for the discussion.

Roth informed PLUC Members that the Conditional Use Permit (CUP) application included two letters of support—one from a neighbor and one from the property owner of the lot.

Harris asked what kind of truck deliveries would be made. Newton responded that deliveries varied from regular UPS to UPS freight or other semi-truck transport.

Harris asked where materials would be stored. Newton said they would be stored inside. Rau asked for clarification. Newton replied that some materials would be stored in a separate shed and some inside the house.

Newton provided a sample gallon jug of his Biogize product and a few bags of his zeolite product. He said that the buyer adds water to the Biogize product and applies it with a spray applicator.

Harris asked about dust. Newton said that all mixing is done inside with the use of a filtration system that allows dust to be reclaimed for onsite use or sale.

Rau asked whether the business website request for Affiliates meant that Multavita was part of a larger business. Newton said it was not part of a larger business. Rau noted that the website suggests that there is a larger corporate structure. Newton replied that the Affiliate relationship is for subsidiary sales of the product.

Rau also asked about the source of the product videos on the website and the health claims that they made. Newton replied that the videos were independent links that provided information about the materials used in the Multavita products.

Rau expressed concern that the website is using a Castle Valley address prior to CUP approval. Newton said that he is currently using shop space at the Day Star Academy and that the Castle Valley address is the mailing address for the business.

Harris asked how the product is shipped. Newton said that he uses UPS or the postal service.

Fitzburgh said that general operating requirements for businesses within Castle Valley limit the number of vehicles visiting the property to 5 per day which includes deliveries. She also related that no marketing can be done that draws attention to the physical address of the business; only the mailing address and telephone number can be published. She further noted that general



operating requirements restrict a home occupation to the use of no more than 25% of one floor of the residence and that a premise occupation is allowed the use of an accessory building but must be less than 1200 S.F. According to Newton, the storage building is less than 500 S.F.

Harris asked whether Newton expected to increase the size or volume of his operation. Newton replied that he hoped to increase volume but not size of any structure or storage. He also said there would be no walk-in business and no signage.

Rau asked whether the outside equipment currently on the property was part of the business and if it would increase as a result of the business. Newton said that equipment was not related to the business. He said the business uses a vacuum system, a scale, and a heat sealer.

Rau expressed concern about the health benefit claims made on the website for the Multivita products. Newton said that some of the products are food-grade but noted he is not allowed to make claims about health benefits. He acknowledged that some of the video links on the website may indicate health claims. He offered to discuss removing them. Rau suggested a serious review of the website.

Fitzburgh asked for clarification of whether the soil amendment product was also marketed as a health product or if the health products were separate products. Newton said that the Biogize detox product was pure activated carbon (charcoal) which is used in hospitals for detox and poison treatment. He said the products are packaged differently depending upon their use.

Rau asked to inspect the business. Newton agreed.

Roth asked for clarification on using the shed for storage and the house for packaging. Newton said that originally he had intended to conduct the business entirely within the house until his meeting with Roth who had questioned whether the shed would be used for storage. He then began to think he could use the shed for all the business operation.

Fitzburgh said that, in reviewing the general operating requirements, it seemed like he could use both the shed and the house in a nonroutine premises occupation.

Rau asked Newton to revise his cover letter to include a thorough explanation of all the products offered on the website and to make a better estimate of the required delivery schedule. Newton clarified shipping procedure for products sold. He said that the UPS delivery schedule does not coordinate with shipping product out, so he takes outgoing products to Town for UPS or postal service shipping.

Fitzburgh suggested that car visits could be restricted to something like one per day if delivery traffic were considered to be excessive.

Harris asked whether shipment occurred in waves. Newton replied yes. He said he receives shipment approximately every month and a half.

Rau proposed to continue the review at the February PLUC Meeting after inspecting the business operation.

Fitzburgh moved to table the recommendation of this request. Buck seconded the Motion. Buck, Fitzburgh, Harris, and Rau approved the Motion. The Motion was passed unanimously.

Rau asked for a new cover letter and said he will get Newton's telephone number from Roth in order to set up a time for inspection.

7. Discussion and possible action re: amendments to Ordinance 95-6: an Ordinance of the Town of Castle Valley Regarding the Building Permit Process in order to develop sewage disposal guidelines for permanent and intermittent use of yurts, teepees, and tents.



Fitzburgh reported that Orion Rogers, State Sanitarian, has been talking with his superiors to determine what kind of sewage waste handling systems would meet State Code. She said that she had asked to add this item to the Agenda because the PLUC needs to ensure that the Town's ordinances address sewage waste handling on lots with intermittent use.

Harris suggested that a distinction could be made between temporary and permanent waste sewage disposal with temporary disposal systems that meet the needs of lots with yurts, tents, etc. Although, he cautioned against creating situations where temporary disposal systems turned into permanent use.

Fitzburgh said that she envisioned a policy that would accommodate all properties, including those that are exceptionally rocky that might be unsuited for conventional systems.

Roth relayed Rogers' assertion that inspections of alternate sewage waste systems was definitely included in his job responsibilities.

Peck informed PLUC Members that a video power point presentation about septic systems was prepared for the Town when he had been PLUC Chair. He said that it included several alternative systems for people not living here all year long that would be safer and cleaner than a septic that was infrequently used. Fitzburgh asked Roth to follow-up on these suggestions and to discuss them with Rogers.

Fitzburgh suggested dropping this item from the Agenda until further information is available from Rogers regarding what State Code will allow.

8. Discussion and possible action re: approving zoning updates document(s) for mailing to new lot owners.

PLUC Members asked Roth to prepare the zoning updates document for presentation to the Town Council. Fitzburgh asked that the section on yurts, teepees, etc. be edited so that only key terms are in bold type to match the formatting of the rest of the document.

Buck moved to approve the zoning updates document to mail to new lot owners. Fitzburgh seconded the Motion. Buck, Fitzburgh, Harris, and Rau approved the Motion. The Motion was passed unanimously.

9. Discussion and possible action re: revising Septic Permit Application to clarify the application process between Castle Valley and the Southeastern Utah Health Department.

Harris suggested adding an additional step before #2 that refers to the perc test. Rau suggested adding the State Sanitarian's phone number to Step #1. Roth will contact Rogers for help in developing the wording regarding the perc tests.

Harris moved to table Item 9. Buck seconded the Motion. Buck, Fitzburgh, Harris, and Rau approved the Motion. The Motion was passed unanimously.

UNFINISHED

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

Left tabled.

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

Fitzburgh moved to untable Item 11. Buck seconded the Motion. Buck, Fitzburgh, Harris, and Rau approved the Motion. The Motion was passed unanimously.



Fitzburgh reported that she had sent an email to PLUC Members regarding her conversation with Kevin, the American Solar Power Company installer who has done several solar installations in Castle Valley—including the one at the Town Building. She also attached a revised document with suggested amendments to the regulations for solar panels, windmills, etc. She asked PLUC Members to review the email and document and to call her with any questions before the next PLUC Meeting.

Fitzburgh moved to retable Item 11. Harris seconded the Motion. Buck, Fitzburgh, Harris, and Rau approved the Motion. The Motion was passed unanimously.

12. Closed Meeting (if needed) –None.

ADJOURNMENT

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

Rau adjourned the Meeting at 8:04 P.M.

APPROVED:

ATTESTED:

Bill Rau, Chairperson

Date

Faylene Roth, PLUC Clerk

Date

