

MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, March 5, 2014

Time: 6:30 PM

Place: #2 CV Drive, Castle Valley Community Center

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

Others Present: Jack Campbell

Clerk/Recorder: Faylene Roth

REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

CALL TO ORDER

The Meeting was called to Order by Chair Laura Cameron at 6:33 P.M.

1. Open Public Comment.

Campbell announced that the first sign of spring—when the mud recedes—allowed him to have Dave Hawks haul four cars from his lot to the crusher in Moab.

APPROVAL OF MINUTES

2. Regular Meeting February 5, 2014.

Rau moved to approve the Minutes of February 5, 2014, as presented. Goff seconded the Motion. Cameron, Goff, Hawkins, and Rau approved the Motion. Fitzburgh abstained. The Motion passed with four in favor, one abstaining.

REPORTS

3. Correspondence.

None.

4. Town Council Meeting – Chair.

Cameron presented a summary of the February 19, 2014, Town Council Meeting. She reported that John Groo, Water Permit Agent, had presented a written report to the Council that included a history of the Town's current water user agreements, how they have been handled in the past, and how they could be improved. His report referred to some problems with the current system, such as property owners who don't have documentation for their water rights and those who have not wanted to transfer their water rights to the Town. Cameron suggested that PLUC Members ask the Town Clerk for a copy of the Draft Minutes of the Meeting for additional information. She said that Groo would be present at the March 2014 Council Meeting for further discussion of how to improve the current water user agreement system. Fitzburgh added that the Grand County Recorder's office had expressed some concerns with wording in the water user agreements which they hope to address. According to Cameron, the Town has retained the services of a reputable water rights attorney—Jonathan Clyde.

Cameron also reported on the discussion regarding the report from the Hazard Mitigation Committee presented by Council Member, Jazmine Duncan. According to Cameron, there was discussion of the HMC Meeting with John Crofts (Utah's flood insurance coordinator for the Federal Emergency Management Agency [FEMA]). Cameron related the primary concern expressed by Mayor Erley that there is only one ingress and egress route open to the public in the Town. He expressed interest, she reported, in grants that might be available through FEMA's flood plain insurance program to replace the culvert under Castle Valley Drive.

According to Rau, FEMA grants are extremely competitive which makes them an unlikely source of funding for the Town. He also noted that FEMA cannot contribute financial help in a disaster unless damages exceed \$4 million. Fitzburgh added that replacement of the culvert under the bridge into the Valley could qualify for a FEMA pre-mitigation grant which would not be governed by minimum damage amounts.

Cameron reported that the Council appointed a representative for the Town to the Grand County Solid Waste District Board. Bob Greenberg, of Moab and Castle Valley, was appointed. He has previously served as a Grand County Council Member and as liaison to the Solid Waste District Board. Diane Ackerman, who also applied for the position, was asked by the Council to mentor with Greenberg and to attend District Board Meetings in Greenberg's absence. According to Cameron, Greenberg had suggested a change in the wording in the Environmental Concerns section of the General Plan which would allow either a "certified private waste carrier" or a "public utility" to provide recycling services in the Valley. According to Greenberg, this change would make the General Plan compatible with future changes in management of recycling services by the GCSWD.

5. Permit Agent.

Roth presented a report which included a building permit issued to Lot 283 for a garage with a loft and a building permit issued to the Castle Valley Inn to settle Contract violations on Lot 424. Fitzburgh said that all building permits from the Inn must be reviewed by the PLUC, which makes a recommendation to the Town Council for approval, before the permit is issued. According to Fitzburgh, a Public Hearing must also be held. Roth reported that she had approved the permit with the assumption that the Contract negotiations had provided approval for the permit. Roth will ask Jeff Whitney to withhold final inspection until the contract has been reviewed and the correct procedure has been determined.

Campbell inquired whether there were other circumstances that required review of building permits by the PLUC and the Council before being issued. Fitzburgh replied that Ordinance 85-3 provides a chart that identifies the land-use authority for specific circumstances. She and Roth cited construction for premise occupations and non-conforming uses as examples.

Roth was asked to report back to the PLUC by the end of the current week so that a decision could be made on how to proceed.

6. Procedural Matters.

Cameron initiated a discussion about the recent increase in the volume of e-mails between the PLUC and the Town Council over non-routine conditional use permits before they have been considered by the PLUC. Roth said that she has been sending email notifications to all PLUC and Council Members when applications are received for a CUP and when a building permit was issued. She will alter this practice and will now send notifications when she approves routine

CUPs and building permits. The PLUC will review requests for non-routine CUPs, add conditions needed for approval of the permit and forward to the Town Council for their review before the next Town Council Meeting.

PLUC Members discussed ways to improve compatibility between Mac and PC word programs. They will continue to experiment with what works.

NEW BUSINESS

7. Discussion and possible action re: non-routine CUP modification for Straight Edge Automotive.

PLUC Members reviewed the application from Dustin Grimm to modify his conditional use permit for Straight Edge Automotive to include welding as part of his mobile auto repair business. Grimm was unable to attend this Meeting but will attend the next Meeting.

Fitzburgh recalled some additional conditions beyond what was suggested that had been included in a previous CUP for a welding business. Roth provided a copy of the previous conditions established for Prometheus Welding. They included cessation of work upon a noise complaint, no welding in high wind conditions, no more than eight hours of welding per week, adherence to all relevant state fire code regulations, and prohibition of anything not expressly permitted. These conditions will be reviewed for possible addition to the suggested conditions under consideration for Grimm's request. Hawkins suggested denying the request because of the difficulty in mitigating the extreme fire hazard.

According to Fitzburgh, the difficulty in ensuring the 60 ft. radius which Ordinance 85-3 requires for outdoor welding may provide grounds to deny welding as part of the services he offers. She suggested one possibility: that the CUP could prohibit welding services in Castle Valley and direct that he adhere to local restrictions in each municipality in which he works. She noted the difference in being able to control the environment on one's own property and the difficulty of mitigating the fire hazard for a mobile service that would work on so many different properties.

Cameron stated that there were some unrealistic propositions in proposed conditions for this request; for example, calling the fire chief for each instance when welding would occur.

Goff, too, expressed concern about fire risk but wondered what a property owner—like herself—should do if she needed welding done. Should she hire someone who would work under no restrictions? She noted that Grimm is trying to make a living here and that perhaps he should be given a chance to try.

Cameron responded that Grimm had expected to do most of his work in Moab when he first started the mobile repair business. However, when he applied for a business license in Moab, he was told to apply in Castle Valley since that is where he lives. Cameron also asked whether the Town would be liable for damages if someone claimed that the conditions set were not sufficient.

PLUC Members decided to delay a decision until the next Meeting when Grimm could be present.

Fitzburgh moved to table Item 7. Goff seconded the Motion. Cameron, Fitzburgh, Goff, and Hawkins approved the Motion. Rau opposed the Motion. The Motion passed with four in favor and one opposed.

Roth will notify Grimm of the concerns expressed by PLUC Members and ask him to supply a copy of the insurance policy for the PLUC to review before their next Meeting.

8. Discussion and possible action re: revision to Ordinance 2009-2 – An Ordinance Establishing a Driveway Culvert Policy.

Cameron reported that Road Manager, Greg Halliday, had submitted amendments to Ordinance 2009-2. PLUC Members reviewed a draft document of the amendments requested by Halliday. This draft also included suggested changes submitted by Fitzburgh.

Fitzburgh requested clarification in several different sections of the Ordinance regarding who would buy, install, and be responsible for the culverts. She, Cameron, and Campbell noted there should be some installation criteria with drawings for both culverts and dips included in the Ordinance.

Fitzburgh will email an electronic copy of the Town's Master Drainage Plan for PLUC Members to review. Campbell will email his suggested changes to Roth who will forward them to PLUC Members. Fitzburgh will then prepare a revised draft and forward it to PLUC Members to review before the next Meeting. Cameron will present the draft to Halliday for his approval. If a draft is ready by March 17, 2014, the PLUC will schedule a Public Hearing for Amendments to Ordinance 2009-2 for its April 2, 2014, Meeting.

Fitzburgh moved to table Item 8. Hawkins seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

9. Discussion and possible action re: the effect of large-scale "commercial" agricultural operations, such as a honey bee operation, in Castle Valley.

Goff presented background information about some folks who were considering a move to Moab or Castle Valley with a plan to bring in a large-scale honey bee operation of approximately 500 hives. According to Goff, she and many local beekeepers were concerned about the size and the effect on Castle Valley of such a large number of honey bees. Their concerns include the fact that Castle Valley may not be large enough to support that many bees, the risk of disease with such a large number of hives and whether such a large-scale operation would depend upon sending their hives around the country to pollinate commercial orchards (which would increase their exposure to disease). Hawkins asked whether such a large operation could be maintained without hiring additional workers.

After general discussion, PLUC Members agreed to add a new item to the April 2014 Agenda for discussion and possible action regarding amendments to Ordinance 85-3. Fitzburgh suggested addressing some other areas of the animal section of the Ordinance at that time. She said that once amendments to an Ordinance have been initiated, it allows a six-month period during which no application that would be affected by the amended Ordinance can be approved.

10. Discussion and possible action re: revision of septic, solar, and electrical permits.

Ordinance 95-6: An Ordinance Regarding the Building Permit Process states that changes may be made to permit forms and additional forms may be created by the PLUC as they deem necessary. New and amended forms are to be reported to the Town Council.

Roth presented changes to the septic, electrical, and solar permit forms. Hawkins suggested a minor rewording one line in the septic application that refers to minimum and recommended distances between septic systems and wells. Hawkins moved to approve revisions of the septic, electrical, and solar applications as amended. Rau seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

UNFINISHED BUSINESS

11. Discussion re: flood damage prevention sample ordinance from John Crofts, Utah FEMA National Flood Insurance Coordinator (tabled).

Fitzburgh moved to untable Item 11. Rau seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

PLUC Members reviewed a draft prepared by Fitzburgh. Fitzburgh explained that she drafted a proposed Ordinance that allows an advisory role for the Town and allows the Town to determine flood plain areas based on its current geologic hazard study. She said, however, that Jazmine Duncan, the Hazard Mitigation Committee Chair, was uncertain whether the Town can take an advisory role. Duncan also said, according to Fitzburgh, that any amendments to the proposed Ordinance must be reviewed by an Attorney.

PLUC Members agreed that information provided by John Crofts, Utah's FEMA coordinator, was ambiguous and needed clarification. Fitzburgh suggested that the PLUC should ask Duncan to show the amended Ordinance to Crofts to get his opinion. If Crofts thinks the Ordinance might be acceptable to FEMA, the PLUC will ask the Town Council decide whether they want to pay an Attorney to review it.

Hawkins expressed her reservations about the parts of the Ordinance that have no application to Castle Valley, such as building on stilts and references to water, gas, and sewer lines. She said she thought the HMC's focus should be on fires. Rau noted that Congress has said they want current subsidized premiums to increase to market rates in four years. Members discussed whether Castle Valley residents wanted this insurance. One reason stated for the insurance is that certain types of mortgages require it.

In further discussion, Fitzburgh favored the Ordinance if it allowed property owners to get flood insurance at more reasonable rates with the Town taking an advisory role, as written in the proposed Ordinance. She asked Rau to inquire at the next HMC Meeting whether any other municipalities have chosen to act in an advisory capacity and whether Castle Valley would fall under the umbrella of the County if it chose not to participate. Rau requested that the Town Council ask the Attorney whether the Town would be liable if it doesn't offer a flood insurance ordinance. Cameron noted that the Town already notifies people of the geologic hazards in the Valley.

Fitzburgh moved to table Item 11. Hawkins seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

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

Fitzburgh moved to untable Item 12. Rau seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

PLUC Members agreed to remove this Item from the next Agenda.

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

None.

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

Fitzburgh moved to untable Item 14. Rau seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

Fitzburgh reported that she will be meeting monthly with John Groo, and Mayor Erley to work on water issues for the Valley. Her focus will be watershed protection. She said that she will be consulting the Town's new Water Attorney about the kinds of leverage the Town has available for protection outside the Town Boundary. The group is looking for a relatively inexpensive study to determine recharge area boundaries, best site for municipal well, etc., in order to further water protection for the Town. They are considering an organization called Hydrologic Systems that would do a study for approximately \$10,000. Another aspect of the Watershed Ordinance which Fitzburgh says they want to clarify is the permitting procedure that is allowed by the current Watershed Ordinance. She is also reviewing Grand Junction's Watershed Ordinance which addresses many of the same concerns faced here.

Fitzburgh moved to retable Item 14. Rau seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

15. Closed Meeting (if needed).

None

ADJOURNMENT

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

Cameron adjourned the Meeting at 9:00 P.M.

APPROVED:

ATTESTED:

Laura Cameron, Chairperson

Date

Alison Fuller, Town Clerk

Date