

MINUTES  
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, April 1, 2015

Time: 6:30 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Jocelyn Buck, Mary Beth Fitzburgh, Jen Goff, Marie Hawkins, Bill Rau

Absent: None

Others Present: Bob Schumaker

1. CALL TO ORDER.

Rau called this Regular Meeting of the Planning and Land Use Commission (PLUC) to Order at 6:33 P.M.

Open Public Comment.

Schumaker asked for an update on the Town's discussion with Frontier Communications regarding their "monopoly on high speed [internet] access" in the valley. According to Schumaker, the Mayor—at a previous Town Council Meeting—had said the Town was planning to join with Grand County to file a letter with the Federal Communications Commission regarding the inadequate service in Castle Valley.

Members of the PLUC replied that the Town sent a letter to Frontier about six weeks ago about the lack of 911 access during power outages and that a copy was sent to the Utah Public Service Commission. It was their understanding that the internet issue would be addressed separately. Rau directed Schumaker to contact the Town Clerk for more information.

2. Approval of minutes.

Regular Meeting of March 4, 2015.

Fitzburgh moved to approve the Minutes as presented. Hawkins seconded the Motion. Buck, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

3. Reports.

Correspondence. – None.

Town Council Meeting – Vice-Chair.

Fitzburgh reported that Water Agent John Groo reported that he has found 25 years of data from tests and samples done by the Utah Division of Water Resources on Castle Creek that can be used in the Town's water study. She also reported that the County attorney felt that there would be no conflict of interest for Zacharia Levine to serve as the Town's appeal authority. She said the Town is currently drafting a contract, using one that Meg Ryan has with Morgan County as a reference.

Hazard Mitigation Committee (HMC)– Rau

Rau reported that the HMC has prepared a draft of its Hazard Mitigation Plan. He said the draft will be made available online within the next couple weeks and a public hearing will be held at HMC's May 14 Meeting. According to Rau, the Plan focuses on increasing owner awareness and actions that can be taken by both owners and the Town government. He said the PLUC may be asked to address how Ordinance 85-3 deals with fuels and hazardous materials storage. He also said the Plan directs the Town to explore easements that would allow it to



effectively mitigate flooding, particularly in the culverts and the two major drainages of Placer and Castle Creeks. Rau said that the Plan also addresses drought and suggests development of a groundwater management plan and potential points of action within that plan.

Fitzburgh said Groo and Mayor Erley are currently working on a Water Master Plan which would include watershed protections. Rau said that Groo had written a report to the HMC on water contamination. He said that may present another area that the PLUC will be asked to review because the Town should be able to take action against a property owner if water contamination occurs. He said the same approach has been discussed regarding fire mitigation.

Rau expects it to take several months before the Plan is finalized.

#### Permit Agent.

Roth submitted a report showing two septic permits were issued as well as a Temporary Dwelling Permit renewal on Lot 153 Buchanan.

She also reported that a building permit for a metal building issued to Lot 153 in 2008 is now being activated. Fitzburgh explained that there was a period of a few days after the moratorium ended and before new regulations went into effect when about 15 building permits were issued. At that time there was also no limitation on when the permits would expire. Current regulations require that a County building permit be approved within six months of the Town's approval; otherwise, the permit expires and the applicant must reapply.

Roth said that the property owner of Lot 153 also has a permit, approved during the same time period, for a residence with a 28-foot height which they plan to start later this year. She referred PLUC Members to a copy of the Decommissioning Contract signed at the time the building permit was approved which requires the mobile home to be removed from the property.

Procedural Matters. – None.

#### NEW BUSINESS

##### 4. Discussion and possible action re: amending Town of Castle Valley Ordinance 92-1-Electric Utility Installation Requirements.

Fitzburgh reported that at the last Town Council Meeting Council Members reviewed the Ordinance and considered changes offered by Attorney Christina Sloan. Fitzburgh explained that the Ordinance refers to two types of power lines: primary lines deliver power to the Valley and accessory lines distribute power to individual lots. She said that Council Member Hill talked with Rocky Mountain Power (RMP) and learned that RMP will not pay to bury any of their overhead primary power lines if they need to be replaced. The Town would have to absorb the cost. The current Ordinance states that all new power lines—including primary lines—must be buried. That would mean that if fire or flood took out a number of primary lines, the Town would probably bear the cost of putting them underground. She said that, according to Jack Campbell, the cost sharing referenced in the Ordinance was negotiated with a previous power company.

Buck questioned whether it was appropriate for the Town to require new primary lines to be installed underground when it is RMP's decision, not the Town's, whether their lines are buried. She said our Ordinance should only be referring to what happens on private properties.

Schumaker asked for confirmation that it was the private property owner who was responsible for putting the lines on their own property underground. Buck replied that was true but that the issue here was RMP's responsibility for lines that deliver power to private properties. Schumaker commented that all power lines should be underground here because of the winds. Rau said that all new power lines over private property are required to be installed underground.

Rau reviewed the situation on Shafer Lane where a power pole needs to be moved in order to widen the emergency access. He said it was his understanding that RMP would be the ones who would move the pole.



Fitzburgh said that the Town Council had discussed adding a phrase to Ordinance 85-3 that would require all new lines not owned by RMP on private lots to be put underground. PLUC Members agreed to address this the next time Ordinance 85-3 comes under review.

According to Fitzburgh, the Town Council, after considering Sloan's comments, realized that the current ordinance could prevent them from re-routing existing poles aboveground if more than a few were involved. If there were a catastrophic event, there could be more damage.

Fitzburgh noted that the Purpose (Section 1.2) as cited in the current draft amendments to the ordinance is to regulate residential connections not primary distribution lines. She also referred to suggested changes in Section 3.1.b and 3.3.

Buck observed that Section 2.5 poses an expensive unfair requirement on property owners. Fitzburgh noted that the original intention of the Ordinance was to move all power lines underground. Rau suggested that Section 2.5 could be changed to say that owners would be encouraged but not required to bury the line if a replacement pole were needed.

PLUC Members agreed to find out how to determine which poles are primary and which are distribution lines. They also discussed how the changes would affect temporary power poles. Fitzburgh said it would be possible to address this under temporary dwelling permit renewals.

In Section 5, Fitzburgh suggested they may want to delete this section. Rau and Goff agreed since the Town has no control over the decision.

In Section 6, Fitzburgh noted the change in Section 6.1. She said, if Section 5 is retained, the last sentence in 6.1 should also be retained.

Fitzburgh will talk with RMP about the noticing requirements in Section 5. She also reviewed the changes that will be made to the current draft: deletion of the last phrase in Section 1.2; definitions added in Section 1.3 to differentiate terms such as primary, accessory, distribution; changing 2.2 to encourage not require owners to put existing overhead lines underground when replaced; change 3.3.c to show that the Town will bear the cost of relocation of any non-primary distribution lines; delete Section 5 if not required; and change the numbering on Section 6 if Section 5 is deleted.

PLUC Members agreed to hold a public hearing at its May Meeting. Fitzburgh agreed to draft proposed changes and asked that PLUC Members send their comments back to her. Roth will post the draft on the Town website and post the Public Hearing Notices.

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

#### UNFINISHED BUSINESS

5. Discussion re: issues surrounding the use of drones within the Town boundary (tabled).

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

Rau said that, after further research and hearing from some property owners, he no longer thought the issues surrounding drones were as dire as he originally thought. He proposed that he write a memo to the Town Council suggesting that they address the issue through the aircraft ordinance or the nuisance ordinance if they feel it is warranted. Fitzburgh commented that the role of the Planning and Land Use Commission was to plan for things that might be an issue in the future. Hawkins expressed her concern that the use of drones will become more prevalent and could pose privacy concerns if they include cameras. Buck reiterated her opinion that the PLUC should prohibit commercial use of drones in Ordinance 85-3. Fitzburgh said it would be up to the Town Council to regulate private use of drones in the Town Nuisance and Aircraft Ordinances. Goff suggested adding drones specifically to these ordinances.

PLUC Members agreed that Rau would write a memo to the Town Council with their suggestions.

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

F motion to retable; buck 2<sup>nd</sup>; all aye

6. Discussion and possible action re: regulations for solar panels, windmills, and other alternative energy structures (tabled).
7. Closed Meeting (if needed).

ADJOURNMENT

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

Rau adjourned the Meeting at 7:54 P.M.

**APPROVED:**

**ATTESTED:**

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**Bill Rau, Chairperson**

**Date**

\_\_\_\_\_  
**Faylene Roth, PLUC Clerk**

**Date**

APPROVED