

MINUTES
PUBLIC HEARING ON PROPOSED AMENDMENTS TO ORDINANCE 2009-2 – AN
ORDINANCE ESTABLISHING A DRIVEWAY CULVERT POLICY
AND
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, April 2, 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: Jack Campbell, Greg Halliday

Clerk/Recorder: Faylene Roth

PUBLIC HEARING ON PROPOSED AMENDMENTS TO ORDINANCE 2009-2 – AN
ORDINANCE ESTABLISHING A DRIVEWAY CULVERT POLICY

1. Call to Order.

Cameron called the Public Hearing to Order at 6:37 P.M.

2. Open Public Comments.

Jack Campbell: expressed satisfaction with the way his suggestions were incorporated into the draft of proposed changes for Ordinance 2009-2. He also suggested an additional statement in the “Whereas” section to allow changes in size specifications of culverts and dips as needed. Campbell expressed support for amending the Ordinance because he believed it will make the road supervisor’s job easier by providing a reference source to back up what the Town wants done regarding culvert and dip installations.

Greg Halliday: suggested some modifications in wording to Campbell’s proposed addition.

3. Adjournment.

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

Cameron adjourned the Public Hearing at 6:45 P.M.

REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION (PLUC)

CALL TO ORDER AT 6:45 P.M.

1. Open Public Comment.

Jack Campbell observed that it feels like the Town is repeatedly having to “dodge bullets” created by the agricultural/residential [Rural Agricultural Residential] zoning within Castle Valley. He thinks the agricultural zoning allows some activities which the community does not want which requires action to prohibit them before they become a problem. He suggested that the PLUC/Town may want to reconsider the agricultural designation at some point. He noted that

many communities with residential zoning still allow selected agricultural activities.

Hawkins stated that a change in zoning status is a complex procedure.

Fitzburgh said that a few residents have proposed this type of zoning change for Castle Valley, but she feels that agriculture is currently an important aspect for many people in the community.

Greg Halliday, Road Manager, expressed a need for the Town to identify a process for disposing of large dead animals, such as horses and cows. He questioned whether it was appropriate to bury them on local lots. He suggested dragging them to an open area where scavengers can consume and decompose the carcass.

Hawkins observed that many people consider their horses to be beloved pets and would not like to dispose of them in this manner.

Halliday stated that the Utah Department of Wildlife Resources (DWR) will remove the animal only if it dies from unusual causes which might indicate the need for an autopsy to track wasting disease and other unusual causes of death. According to Halliday, DWR will not dispose of road kill or animals that have been shot. Currently, he is responsible for removing these animals to a remote area as described above.

APPROVAL OF MINUTES

2. Regular Meeting March 5, 2014.

Goff moved to approve the Minutes of March 5, 2014, as presented. Rau seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

Fitzburgh moved to suspend the Order of Business and move to Item 12. Hawkins seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

UNFINISHED BUSINESS

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

Halliday stated that Grand County requires permits for any changes within the road easements and that they have specific encroachment forms that they use for this purpose.. He suggested that the Town adopt this procedure for any work that passes through the easements, such as power lines, water lines, driveways, etc.

Fitzburgh stated that Ordinance 95-6 addresses this somewhat (Section 4) when building permits are issued, but Halliday responded that the proposed work needs to be approved by the Town before the work is done. Fitzburgh also noted that the General Plan proposes written approval from the Town for any encroachments on road easements prior to the work being done. PLUC Members agreed that this requirement would be added right after the "...Be It Ordained..." clause of Ordinance 2009-2 and could be added to Ordinance 95-6 and Ordinance 85-3 as well.

PLUC Members agreed to add an additional “Whereas” statement as suggested by Campbell before the last “Whereas” and to change the last sentence in Section 1.B and the last part of Section 2.B to clarify concerns raised by Cameron about who is responsible for cleaning, maintaining, and paying for work done on culverts and dips.

Fitzburgh moved to approve Ordinance 2009-2 as amended tonight. Rau seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

Halliday indicated the need for another change, but he was advised to present it to the Town Council when they consider the proposed changes at their next Meeting.

Fitzburgh moved to resume the Regular Order of Business. Goff seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

REPORTS

3. Correspondence.

Cameron reviewed an email sent to the PLUC Clerk from Robert Lippman in which he conveys historical information and general suggestions related to local interest in researching increased energy independence in the Valley. He also states his concern about serious health impacts related to cell towers and wi-fi and asked that the PLUC and the Town make an “objective, informed and open review” of this matter before making any commitments to cell towers and wi-fi installations in the Valley.

Fitzburgh reported that Roth had expressed interest during a recent Town Council Meeting in pursuing further discussion of sustainability issues within Castle Valley. Fitzburgh has proposed forming a small working sub-committee with Roth and others that would research and consult with people with expertise in areas of sustainability that might be useful to the Town. The PLUC will not be directly involved in the Meetings but asked that the sub-committee keep them informed.

4. Town Council Meeting – Chair.

Cameron reported that the Town Council unanimously approved the General Plan at their March 2014 Meeting. She noted that—in addition to a few formatting corrections—they also made the following changes: In the section, Transportation and Roads, they modified Policy #3 to annually set aside funds for periodic repaving and ongoing maintenance “when available.” In Policy #7 they added “rent or lease” as additional options to purchasing needed equipment. In the section, Environmental Concerns, they modified Policy #3 to allow recycling through the “Grand County Solid Waste District” as well as a private company.

5. Hazard Mitigation Committee (HMC) – Rau

Rau reported that the HMC has begun initial discussion about mitigation of existing hazards, which will include fire, floods, severe weather, communication problems, electricity, etc. The Committee will first address fire hazards in the Town. He thinks their discussions will lead to proposed changes in Ordinance 85-3 (Land-Use Ordinance) and 2007-6 (Fire Ordinance). He expects the Committee will suggest changes to the PLUC in about three months.

6. Permit Agent.

Roth reported a Certificate of Occupancy was issued for the Grahams on Lot 425. She said that the Grahams had presented plans that included a garage and breezeway attached to the house. These two sections are not yet built. She relayed information from the Grand County Building Department that the CO closes this building permit. When the Grahams are ready to continue building they will have to obtain a new building permit.

Roth also reported on an upcoming building permit request on Lot 135 that will require a Temporary Dwelling Permit for a recreational vehicle and a Routine Decommissioning Contract. She presented a draft of the Decommissioning Contract for the PLUC's review.

7. Procedural Matters.

None.

NEW BUSINESS

8. Discussion and possible action re: amendments to Ordinance 85-3 related to large-scale beekeeping operations and other animal related issues.

Cameron referred PLUC Members to a draft of proposed changes prepared by Fitzburgh. Goff stated that the changes address the primary concern of local beekeepers about bringing migratory bees into the Valley. She said that she had based her suggestion for a limit of 30-hives per five-acre lot on information gleaned from discussions with other local beekeepers. She also confirmed that the term "migratory beekeeper" is widely used and accepted amongst beekeepers. According to Goff, there are currently six to seven active beekeepers in Castle Valley.

Proposed changes include typographical corrections in the Definitions for "Grade, Existing" and "Height, Building" in Section 1.6 and one in 4.7.4(f). A maximum limit of 30 hives on each legally platted Town lot was added as 4.2.B and migratory beekeeping operations of any size was added to the list of prohibited uses in 4.4.C.

Fitzburgh suggested making some additional changes to Ordinance 85-3 at this time to strengthen some of the Sections that the PLUC had previously agreed to do the next time the Ordinance was amended. Proposed changes to section 4.7.4 adds further review criteria to the list of existing criteria. Several proposed changes were suggested for 4.8.3. In (1) a sentence was added stating that the use [of a dwelling for a home occupation] shall not alter the residential character or appearance of the dwelling or neighborhood. In (3) a statement was added to ensure that a home or premise occupation would not increase the demand for utility or infrastructure in excess of that associated with normal residential use. In (14) a requirement was added that flammable materials shall be stored away from any area where sparks may be produced—either in a separate room or in a fireproof metal cabinet. Two new items were added. In (15) a restriction was added to prohibit any occupation that would produce offensive or noxious odor, smoke, gas, dust, vibration, magnetic or electrical interference beyond the property line. In (16) a requirement was added that no occupation produce, store, or accumulate hazardous waste in excess of normal residential use. It also gives guidelines for the temporary containment of any permitted hazardous waste produced.

Fitzburgh drafted another proposed change to 4.9 in order to apply limits to any future large-scale animal operation that would involve multiple lots within the Valley. The draft requires a

permanent caretaker to live on or contiguous to any lot that has animals on it. Goff countered that responsible management procedures were more important than the numbers or locations. Fitzburgh will prepare a second draft of this section for further discussion next month.

After discussion, PLUC members agreed to postpone a public hearing on these amendments in order to have more time to review these proposed changes. Fitzburgh will prepare a revised draft.

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

9. Discussion and possible action re: approval of building permit application for remodeling of Sommerville Room as agreed to in the Amended Contract of December 1, 2013, between the Town of Castle Valley and the Castle Valley Inn and an existing carport attached to garage.

Cameron suggested approving the building permit as presented which permits the remodeling of the Sommerville Room as agreed to in the Amended Contract between the Town and the Castle Valley Inn and a pre-existing carport, built by the Inn's previous owners, that is less than 30' from the boundary line with the Town greenbelt.

Fitzburgh noted the nonconforming uses and the many noncomplying structures at the Inn that already exist. She suggested that the PLUC recommend to the Town Council that they add the carport and its setbacks as an exhibit to the Amended Contract.

Fitzburgh moved to approve the building permit for the Inn regarding the Sommerville Room and the existing carport attached to the garage with the recommendation that the Town Council add a diagram as an addendum to the Amended Contract showing the setbacks of the carport. Hawkins seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

10. Discussion and possible action re: amendments to Ordinance 95-6 Amended, An Ordinance of The Town of Castle Valley Regarding the Building Permit Process and approval of a form acknowledging Castle Valley's prohibition of short term rentals.

Fitzburgh reported that Mayor Erley had asked the PLUC to create an acknowledgement form prohibiting short-term rentals. Fitzburgh presented a draft of the acknowledgement form and proposed changes to Ordinance 95-6 Amended. The draft adds the acknowledgement form as one of several that must be signed and presented in order to get a building permit. It also adds language in Section 5 that identifies the land-use authority for each land-use application in accordance with changes previously made to Ordinance 85-3 and that adds language about the timeline for responding to permit applications in accordance with Utah State Law. Section 8 was updated to conform with the Penalties and Fines Sections of Ordinance 85-3. She said that the Mayor plans to contact all local rental agencies to inform them of Castle Valley's restrictions on short-term rentals.

The PLUC will hold a Public Hearing on proposed changes to Ordinance 95-6 Amended at its next Meeting. Roth will post the Notices for the Public Hearing.

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

UNFINISHED BUSINESS

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

The applicant Dustin Grimm was not present for review of his application. Cameron noted that he has not yet made the insurance policy for Straight Edge Automotive available for PLUC review. Roth confirmed that he had provided certification of the insurance policy. She reported that she telephoned him on Monday, March 31, and left a message on his answering machine to remind him of the Meeting and the request for a copy of the policy.

Rau moved to deny the application to modify the current CUP for Straight Edge Automotive to include welding services. Hawkins seconded the Motion. Cameron, Hawkins, and Rau approved the Motion. Fitzburgh and Goff voted nay. The Motion passed with three in favor and two opposed.

Rau moved to rescind the PLUC's previous approval for Straight Edge Automotive with the provision that, if he provides the insurance policy, he can reapply. There was no seconding of the Motion. Fitzburgh questioned whether there were sufficient grounds for revoking his permit since the Town had only asked for proof of insurance which had been provided.

Further discussion followed about the vehicle which Grimm is using for his business. He is currently using a Mazda Navajo LX sport utility vehicle instead of a truck with topper or trailer as identified in his Conditional Use Permit. Roth reported that a statement was added to his inspection requesting that he get the truck or trailer as soon as possible for health and safety reasons and to vent the back of the current vehicle before the second inspection which is planned for early May 2014.

PLUC Members asked Roth to contact Grimm to inform him of the PLUC decision to recommend against approval to the Town Council of his current application and to let him know that he should attend the next Town Council Meeting which will be held on ~~May~~ April 16, 2014. Roth was also asked to remind Grimm of the venting requirement and to inform him that he should supply a copy of the insurance policy and current proof of payment for the policy at the time of the next inspection.

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

Fitzburgh moved to untable Item 13. Rau seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

Cameron read the response from John Crofts, Utah's Federal Emergency Management Agency (REMA) representative, in which he states that he does not know whether the proposed draft of the Town's Flood Insurance Ordinance would be acceptable to FEMA. Cameron reported that she asked Jazmine Duncan, HMC Chair, to request that Crofts ask FEMA officials whether the wording would be acceptable. Duncan agreed to do so.

In further discussion PLUC Members commented on reasons for and benefits of adopting a flood insurance policy for the Town. Fitzburgh noted that Duncan had presented the policy as a way to provide reasonable flood insurance costs for people who wanted it and to address concerns that

the Town might be liable if it did not have a flood insurance ordinance in place. Cameron and Rau expressed concerns about future increases in cost of the program and the need for it in Castle Valley.

Hawkins moved to retable Item 13. Rau seconded the Motion. Cameron, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

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

Left tabled.

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

Left tabled.

16. Closed Meeting (if needed).

None.

ADJOURNMENT

Fitzburgh 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 9:08 P.M.

APPROVED:

ATTESTED:

Laura Cameron, Chairperson **Date**

Alison Fuller, Town Clerk **Date**