

MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION
AND PUBLIC HEARING REGARDING AMENDMENTS TO ORDINANCE 92-1:
ELECTRIC UTILITY INSTALLATION REQUIREMENTS

Date: Wednesday, May 6, 2015

Time: 6:30 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Jocelyn Buck, Marie Hawkins, Bill Rau

Absent: Mary Beth Fitzburgh, Jen Goff

Others Present: Jack Campbell

CALL TO ORDER

Rau called the Meeting to Order at 6:31 P.M.

PUBLIC HEARING

1. On possible changes to Ordinance 92-1: Electric Utility Installation Requirements regarding relocation, replacement, and new installation of power poles and power lines on private property, within Town road easements, and within the primary electrical distribution grid.

Revised

Campbell remarked that the scope of changes presented at this Public Hearing were very different from the original proposals that had been presented at the first Planning and Land Use Commission (PLUC) Meeting he attended regarding amendments to Ordinance 92-1.

Rau explained that once the PLUC began to examine the Ordinance, they saw a need to add definitions and to differentiate the respective responsibilities for the Town, the property owner, and the utility company.

Campbell asked whether the PLUC was aware that these proposals create a major change in previous policy; he said the proposals reflect a decision to turn [Castle Valley] into a community that has overhead power not underground power. He observed that the property owner is still required to put power underground but said that the primary grid is being allowed to go aboveground. He wondered whether this is a major change of public policy by choice or a major misunderstanding. According to Campbell, the Town can require the utility company to put power underground. He noted that other communities have asked Rocky Mountain Power (RMP) to do so and they have done it. Campbell cited the fires that have come from overhead poles and transformers in Castle Valley as a reason for the importance of underground power lines.

Campbell objected to deleting the primary distribution system from Section 1.2. He said that regulating the primary distribution grid to put new lines underground was always part of the Ordinance and that the increased cost was understood. He said that Utah law requires the individual property owner to pay the costs for new electrical service from the closest part of the primary grid to their property. Additional new service in the connected area, he said, pays back part of the initial cost.

According to Campbell, the reason the Town asked for the underground power installation was because the power company had wanted to string a line of poles in front of numerous other lots in order to get to a lot which had requested service where it would then go



underground. The original Ordinance wanted to avoid this imposition on existing property owners. He said he thinks that underground power is important because of the viewshed.

Hawkins noted that it is hard to imagine that the whole [power grid] could go underground since so much is already built out.

Campbell replied that Lucky Morse, District Manager of Utah Power and Light had been very willing to work with the community to move all power underground.

Campbell agreed that there was unclear language in the original Ordinance but inquired about the source for making such a major ideological change. According to Campbell, the community can stipulate by ordinance that any extensions of the primary grid be put underground. He referred to a past incident where an extension was improperly done by the utility company and was redone—at the request of the Town—at the company's expense.

Rau told Campbell that the changes were a result of discussion within the PLUC and with RMP. Buck observed that RMP was not the power company when the original ordinance was written.

Campbell said that he feels RMP is avoiding its responsibility to adhere to the wishes of the community.

Rau said that he reads this Ordinance differently. In Section 2.3, he said, all new line extensions are required to be installed underground unless there is an exemption.

Campbell said he sees an internal contradiction between that Section and Section 1.2 which states that this ordinance is not intended to regulate the primary electrical service system. In court, he said, he believed this sentence would trump the sentence in Section 2.3. According to Campbell, the “mushy” language used in Section 2.4—which the PLUC has proposed to delete—was intentional because the original hope of the Town was to work toward underground power. Campbell explained the earlier “inappropriate” work done by the power company: electricity to the Town building was dropped from a pole at the back of the property. The power company was required to redo the installation by installing underground power to the front of the building. However, he said, they took the cheapest route and put in a small line which would preclude extending this line underground in the future.

Rau asked whether the proposed Section 2.3 would cover what was implied in the old Section 2.4. Hawkins noted that the proposed Section 2.2 works against this idea. Buck said that she did not think it fair for the homeowner to have to pay costs of putting a whole power line on their property underground when only a single pole needed to be replaced.

Campbell suggested stating that no new poles should be placed aboveground except for replacement of a single pole. He reiterated that primary service can be regulated and that the original scope of the ordinance was to regulate both primary and auxiliary service.

Rau suggested that Campbell's concerns could be addressed by modifying Section 1.2. Hawkins questioned whether the move to underground power in the valley was feasible or likely. Buck noted the technical difficulties of putting 25,000 volt lines underground because they become too hot if buried for more than one-half mile. She noted the difficulty for the Town to be able to determine whether an exemption asked for by RMP engineers was legitimate. Campbell said that he has never heard, to date, of any technical problems faced by the utility company in Castle Valley, including how to span a gully.

Rau noted that a previous Roads Manager had reported digging up a line across a gully that had not been properly covered. He thanked Campbell for his comments and told him that the PLUC will be making a recommendation to the Town Council and that Campbell would have further opportunity to share his comments with the Council.



REGULAR MEETING

2. Open Public Comment – None.
3. Approval of Minutes.

Regular Meeting of April 1, 2015.

Hawkins suggested two corrections on page 1: Change “issued” to “issue” on line 8 of Open Public Comment; change “hazard” to “hazardous” on line 5 of Hazard Mitigation Report.

Hawkins moved to approve the Minutes of April 1, 2015, as amended. Buck seconded the Motion. Buck, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

4. Reports.

Correspondence.

Roth reminded PLUC Members of the email sent by the Town Clerk regarding the Open Public Meetings Training to be held on June 18, 2015.

Town Council Meeting – Vice-Chair.

Rau reported that Fitzburgh had conveyed to him that Zacharia Levine had approved the contract to serve as the Town’s Appeal Authority and had agreed to the costs. According to Fitzburgh, the contract is now being finalized by the Town’s lawyer. Fitzburgh had also reported that Council Member Duncan had raised a concern about the treatment of hazardous fuel storage in Ordinance 85-3. Rau said that the storage of primary petroleum products on personal property and some special requirements for propane tanks will be examined by the PLUC at a later time.

Hazard Mitigation Committee (HMC) – Rau

Rau said that the HMC did not meet last month but will be holding a Public Hearing at their May 13, 2015, Meeting. He asked PLUC Members to read through the draft plan and, if possible, to attend the Public Hearing.

Permit Agent.

Roth reported that one building permit was issued for installation of a metal building on an existing foundation at Lot 30 (Rim Shadow).

Procedural Matters – None.

NEW BUSINESS – NONE

UNFINISHED BUSINESS

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

PLUC Members reviewed the proposed draft of amendments to Ordinance 92-1 and made the following suggestions:

- 1.1 – retain as is.
- 1.2 – replace the first sentence with the first sentence from the original ordinance; delete the second (added) sentence; delete the last sentence.
- 2.1 – retain as is.
- 2.2 – Buck and Hawkins preferred the first option which would encourage but not require property owners to put auxiliary power lines underground when they need to be replaced. Rau preferred the second option which would require all replacement lines to go underground. PLUC Members agreed to recommend the first option with the addition of the phrase “power poles and/or existing” added in line one between the words “existing” and “overhead.”
- 2.3 – retain as is.
- 3.0 – change heading from “EXCEPTIONS” to “EXEMPTIONS.”
- 3.1 – retain as is.

- 3.2 – retain as is.
 3.3 – change “its” to “the” on line two.
 3.3a – change “.” To “;”.
 3.3b – retain as is.
 3.3c – retain as is.
 3.3d – delete.
 3.3e – 3.3e becomes 3.3d.
 3.3e - add the sentence from Section 4.4 in the original ordinance.
 4.0 – delete.
 4.1 – delete.
 5.0 – change to 4.0.
 5.1 – change to 4.1.
 5.2 – change to 4.2.
 6.0 – change to 5.0.
 6.1 – change to 5.1.
 6.2 – change to 5.2.
 6.3 – change to 5.3.
 6.4 – change to 5.4.
 6.6 – change to 5.5.
 Use appropriate language to show that this amended ordinance supersedes an earlier dated ordinance.

Hawkins moved to send the amended recommendations to Ordinance 92-1 to the Town Council for further action with recommendation for their adoption. Buck seconded the Motion. Buck, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

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

ADJOURNMENT

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

Rau adjourned the Meeting at 8:34 P.M.

APPROVED:

ATTESTED:

Bill Rau, Chairperson

Date

Faylene Roth, PLUC Clerk

Date