



MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, June 3, 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: Dave Erley

CALL TO ORDER

Rau Called the Meeting to Order at 6:30 P.M.

1. Open Public Comment.

Mayor Erley informed the PLUC about several local concerns:

- (1) He has been in communication with Rock Smith of the Bureau of Land Management (BLM) and others regarding illegal camping occurring in the area surrounding Castle Valley. He has asked BLM to implement their Travel Management Plan in our area. He reported that the BLM plans to increase the number of campsites at Rock Castle Campground, to improve their signage and management issues, and to hire three additional employees to assist with on-the-ground management. He also said that they discussed closure of the frontage road along the Castleton Road (with a gate to allow Castle Valley Farms to access their water source) in the area where illegal camping was occurring. According to Erley, the BLM is bound to honor the grazing leases inherited from the School and Institutional Trust Lands Administration (SITLA). He said that SITLA did not allow camping on their lands.
- (2) He reported that the land acquired by BLM in the Land Swap was part of a larger recreation bill. That means that the BLM must accommodate recreation in this area. He was told, though, that the BLM respects the fact that Castle Valley and the river road are not appropriate for off-highway vehicles (OHV) and that they realize that Castle Valley does not want trails or tourism in the valley. He said that the BLM stated they would attempt to keep activity out of the valley while still honoring their mandate to accommodate recreation. According to Erley, the BLM currently has equestrian trails on the river road which only Sorrel River Ranchos accesses, but the BLM wants to open up Ida Gulch for public hiking and bicycling which would mean improving the parking situation at the entrance to Ida Gulch. The BLM indicated to him that they would then close the road that goes into Ida Gulch. Erley also noted that Trail Mix plans to add a loop on the Sylvester Trail—which now connects to the Loop Road—through Ida Gulch. Erley said that Castle Valley should participate in the BLM's comment period when the Ida Gulch parking site comes up for review.
- (3) Erley expressed his wish for local volunteer groups and/or committees to become active in knapweed removal and litter clean-up along the Castleton Road as well as establishing no-spray zones for the area.
- (4) Erley expressed his concerns about the two parcel leases on Porcupine Rim that are potentially open to fracking. He said, even though it may not be feasible for drillers to access those leases, he would prefer to see the BLM decide that they are off limits.

Both Rau and Fitzburgh expressed their support and interest in a committee to address some of these issues. Erley will send an email to the PLUC and other interested parties.



2. Approval of minutes.

Regular Meeting and Public Hearing of May 6, 2015.

Hawkins moved to accept as presented the Minutes of the Regular Meeting and Public Hearing of May 6, 2015. Buck seconded the Motion. Buck, Hawkins, and Rau approved the Motion. Fitzburgh and Goff abstained. The Motion passed with three in approval and two abstaining.

3. Reports.

Correspondence – None.

Town Council Meeting – Chair.

Rau reported that he, Buck, and Fitzburgh had attended the Town Council Meeting. He presented the Town Council (TC) with a summary of the discussion and public comments relating to the PLUC's recommendations for amendments to Ordinance 92-1. He said that Fitzburgh raised some concerns about some of the language that had been deleted and what was finally approved by the PLUC. According to Rau, Fitzburgh asked the TC to consider the language that had been originally included. He said that the TC agreed to do so. They will hold a Public Hearing for additional comment at their next Meeting.

Rau said that the TC held a discussion about weeds and the Castle Valley watershed in response to a letter from Pam Hackley about pesticide spraying in the Valley. Rau said that the TC tabled the discussion for later consideration.

Rau and Fitzburgh summarized a discussion regarding Grand County's affordable housing plan. Rau said that Council Member Duncan had brought the issue before the TC because it seemed that affordable housing needs were incongruent with Castle Valley ordinances. Further discussion amongst Council Members included housing needs for an aging population, the efficacy of the Temporary Accessory Dwelling (TAD) permit, the potential need for extended family members to return home to live—either to assist their parent(s) or because of their own need for affordable housing. Fitzburgh reported that Duncan was interested in the water study results regarding septic density. Fitzburgh reported that a previous septic density study recommended a 15-acre lot size for septic needs. She said the definition of dwelling would have to be considered in order to allow more than one dwelling per lot. She referred to the General Plan survey results which showed strong support for retaining the one dwelling per lot requirement. Fitzburgh said that transportation to and from work would be another factor in considering affordable housing. Group homes were also discussed by PLUC Members.

Hazard Mitigation Committee (HMC) – Rau

Rau reported that the HMC held a Public Hearing for comment on its Draft Mitigation Plan. He said they received useful comments and a clear statement of need for definitions to help guide readers through the Plan. He said some inconsistencies will need to be corrected; and some issues, such as water contamination, will need further study. Rau estimated that completion of a final draft is still several months away.

Permit Agent.

Roth reported that there was no permit activity during May. She also reported that the database project—to enter all building-related permits into the database—is about three-fourths completed. She asked whether PLUC Members thought that the project should include calculation of all heights and square footage for each structure. She said that she had discussed this with Mayor Erley. Roth confirmed that all current permit information is added to the database as each project is permitted. She said that to add this information for older permits would require the Permit Agent to refer back to original blueprints and to recalculate existing square footage, since the square footage calculation changed in 2008 to include overhangs. Roth



observed that many of the lot files do not have plans available. PLUC Members agreed that it was not necessary at this point to add this information. It was noted that whenever a property owner applied for a permit for an addition or a new building, the overall square footage is recalculated, and added into the database.

Roth reported that the property owner of Lot 54 was requesting a signed copy of a building permit for an addition that was issued in 2008. Fitzburgh explained that the previous Mayor had determined that this permit was applied for during the first moratorium which counted only “living area” space in square footage calculations. She further explained the circumstances and different regulations surrounding the two permit moratoriums of 2007 and 2008 during which the Castle Valley zoning requirements were updated to reflect the opinions expressed by property owners in the 2005 General Plan Survey to reduce building height and total square footage allowed on a lot. After the second moratorium expired but before Ordinance 85-3 was changed to reflect what the majority of property owners wanted, there was a brief period in which property owners could apply for permits under the old rules.

Fitzburgh moved that Roth check with the County Building Department to see if the property owner can use the signed permit issued to Lot 54 under Henderson Contractors and be allowed to use a different contractor and, if so, then provide the property owner with a copy of the signed permit. Buck seconded the Motion. Buck, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

Procedural Matters.

Utah Open Public Meetings training – June 18:

Buck and Roth will attend the OPM Training and report back at the next Meeting.

Follow-up to PLUC recommendation of amendments to Ordinance 92-1:

PLUC Members discussed a request by Fitzburgh to restore the original Item 3.3.d to the recommendations of amendments which were made to the TC. This section states, “The electric utility company may install new line extensions overhead if existing terrain makes underground installation unfeasible or if underground installation would not be possible because of power system constraints.” Fitzburgh said she thought this item was important to ensure that the property owner would not have to bear the cost involved if it were required to put the service underground. Rau explained that the decision had been made to delete this item because PLUC Members felt that the requirement for PLUC and TC review required in Item 3.3 would cover the concerns in 3.3.d. Buck agreed and said that she did not think it possible to generalize about what would be needed or what the power company would propose. She said she believed each situation would have to be decided on a case to case basis. Rau agreed. Goff said they should consider what they can or cannot require the power company to do and be careful not to write the ordinance around something that they cannot control. Hawkins said that she was comfortable with the decisions made at the last Meeting. Fitzburgh said that she believed the removal of Item 3.3.d would put the cost on the property owner for putting certain types of line extension service underground. She said she thought that including it would create the possibility that some cost-sharing of the expense could be worked out. Rau also noted that public comment at the Public Hearing pointed out the amendments were moving away from the original intent to put all power underground.

Fitzburgh moved that the PLUC recommend unofficially to the Town Council that the crossed out Item 3.3.d be kept in; the [recommended] Item 3.3.d would become 3.3.e; Item 3.3.e would become 3.3.f. Item 3.3.f would be changed to read “Cost of underground installation *for private property owners* shall not be considered a major reason for granting an exception to these requirements.” Goff seconded the Motion. Buck, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

NEW BUSINESS – NONE

4. Discussion and possible action re: continuation of inactive status for Conditional Use Permit Renewals (CUP).

PLUC Members discussed whether it was appropriate to retain the inactive status for CUPs which would allow a CUP holder to retain their permit without acquiring a business license. Rau questioned whether the Town was required to enforce a state law. No decision was reached.

Fitzburgh moved to table the item so that she can request the Town Clerk to consult with David Church about the Town's obligation regarding conditional uses and business licenses. Goff seconded the Motion. Buck, Fitzburgh, Goff, Hawkins, and Rau approved the Motion.

5. Discussion re: future amendments to Ordinance 85-3.

PLUC Members reviewed portions of the General Plan in order to prioritize suggested recommendations and policy changes that the PLUC is responsible for addressing. Rau said that the HMC would be addressing some of these recommendations. He asked that each PLUC Member select one or more items and take the lead in determining how other communities address these concerns. A list follows:

Buck: Section 3, No. 8 regarding septic system concerns; Section 7, No. 9 regarding the Fencing Ordinance

Rau: Section 3, No. 9 regarding group homes.

Goff: Section 2, No. 5 regarding low impact agricultural and livestock activities.

Hawkins: Section 7, No. 13 regarding energy conservation and sustainability proposals, such as ride sharing.

Fitzburgh, Section 5, Nos. 2, 3, 4, 6 regarding water issues; and land-use issues regarding livestock caretaker concerns.

PLUC Members also agreed that standards need to be established for all conditional uses allowed in Section 4.5 and that Section 8.3 regarding fuel storage needs to be revised.

Fitzburgh moved to table Item 5. Hawkins seconded the Motion. Buck, Fitzburgh, Goff, Hawkins, and Rau approved the Motion.

UNFINISHED BUSINESS

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

7. Closed Meeting (if needed).

ADJOURNMENT

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

APPROVED:

ATTESTED:

Bill Rau, Chairperson

Date

Faylene Roth, PLUC Clerk

Date