



MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, July 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: Jack Campbell

CALL TO ORDER

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

1. Open Public Comment.

Campbell said that, after having spoken strongly on some issues at the last Planning and Land Use Commission (PLUC) Meeting, he examined the electric ordinances from some other communities and confirmed that his statements were still valid. He told PLUC Members that his knowledge about this issue comes from serving for several years as Castle Valley's official designated liaison with Utah Power and Light [the power company that served Grand County at the time that Ordinance 92-1 was written]. Campbell said that the current franchise agreement [with Rocky Mountain Power (RMP)] was years in the making and that he had some input in its development.

2. Approval of minutes.

Regular Meeting of June 3, 2015.

Goff moved to approve the Minutes of the Regular Meeting of June 3, 2015, as written. Fitzburgh seconded the Motion. Buck, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

3. Reports.

Correspondence – None.

Town Council Meeting – Fitzburgh/Buck.

Buck reported that recent water testing done by Jeannette Wallace, at the U.S. Geological Services laboratory revealed no elevated levels of phosphates, nitrates, or volatile organic compounds (VOCs). She said high levels of phosphates and nitrates would have been an indication of possible septic leakage into the water table. Fitzburgh said that this testing provides a baseline for comparisons in future years. She said that the intent of the current water study is to determine the size, geological boundaries, and flow of Castle Valley's watershed. Buck also reported that Todd Thorn, Southeastern Utah Association of Local Governments (SEUALG) attended the Meeting to inform the Council about block grant programs available and told them about the types of projects for which the Town might qualify, the Castle Creek culvert being one. She said that the Town adopted the proposed budget and then discussed conditions for an agreement with Moab's animal control service. According to Buck, the Council confirmed that Moab does not want to contract with Castle Valley until the Town passes a leash law. Fitzburgh



reported that the Council approved the official recommendation made by the PLUC at its May Meeting regarding amendments to Ordinance 92-1.

Hazard Mitigation Committee (HMC) – Rau.

Rau reported that the HMC did not meet in June. Their next Meeting is scheduled for July.

Permit Agent.

Roth reported that a Temporary Dwelling Permit for a park trailer on Lot 90 (Bailey) was renewed by new owners of the lot. She also reported issuance of an electric permit for new service on Lot 175 (Shafer); although, she said, the lot owner had decided to wait—after talking with a local electrician—to wait to install the electrical service at the time he starts to build.

Procedural Matters.

Roth reported that she and Buck attended the Open Public Meetings Training in Moab on June 18, 2015. She said that legal updates included (1) clarification that any text messaging by a board or commission member during a public meeting was subject to the GRAMA laws; (2) meeting notices must now be posted on the Utah Public Notice Website by all public bodies, regardless of size; (3) audio recordings of Minutes must be available to the public within three business days and will be required next year to be posted on the Utah Public Notice Website; and (4) working drafts of Minutes are now being referred to as “pending” Minutes. Buck reported that she attended the morning session, in addition to the afternoon session, which included information about financing, how to pay bills, and the roles of the Clerk and the Treasurer.

Fitzburgh acknowledged that the Motion made at the last PLUC Meeting during the follow-up discussion of amendments to Ordinance 92-1 under **Procedural Matters** should not have been made since it was not an Agenda item. She apologized for that happening.

NEW BUSINESS

4. Discussion and possible action re: additional amendments to Ordinance 92-1: Electric Utility Installation Requirements.

Fitzburgh said that Mayor Erley had asked that the PLUC consider reinstating Item 2.6, deleted from the original version of Ordinance 92-1, to clarify that the Town expects RMP to use the road easements for primary service lines. She said that she had talked with former Mayor Bruce Keeler about the Franchise Agreement with RMP which he signed as Mayor in 2003. She also talked with the property owner of Lot 112 about a misunderstanding RMP had that they were no longer to use the road easements. Fitzburgh said that Dan Vink, RMP, told her that they have easements (for maintenance) on currently installed transformers that are on private property, but would need an additional 10-foot wide easement from the property owner to put a new line underground to connect from the road easement to a transformer. She noted that complications can occur because the physical road may not always be within the surveyed easement. Fitzburgh also said that a member of the Roads Committee had suggested that new power lines be put in the center of the road instead of on the edge; but RMP objected, saying that the weight of vehicles on the road would damage the conduit and that they prefer to place them on the shoulder of the road, just above the side ditches. According to Fitzburgh, Vink said that he was open to making changes in the franchise agreement.

Fitzburgh proposed adding Item 2.4 to the amended Ordinance to re-instate the requirement that extensions or additions to the primary electrical supply system shall be installed within the Town’s road easements wherever practicable and also require the property owner to file the Right-of-Way Encroachment Permit with the Town in order to determine the best placement and to give the Roads Manager a chance to determine whether the installation would impact road maintenance.



Roth suggested changing the building permit application procedure so that the encroachment form would be a routine part of the application, just like the drainage review.

Fitzburgh said that the Mayor also asked the PLUC to cross reference Ordinance 92-1 with Ordinance 2003-1 to look for inconsistencies or contradictions. She proposed changes to Item 2.3 to correspond with language in Section 5 of the franchise agreement regarding new distribution Facilities below 30kV. In addition, Fitzburgh proposed adding the phrase “for private property owners to Item 3.3.e, correcting the misspelling of “offence” in Item 5.3, and adding standard language regarding violations that is used in other Town ordinances.

Hawkins questioned whether expense should be discounted as a reason for an exception in Item 3.3.e. Fitzburgh suggested that the Town Council might want to hire an attorney to help them amend the Franchise Agreement if they want to require fewer exemptions and to determine the validity of claims made by the power company. Campbell asked about rewording Item 3.3.d to match wording in the franchise agreement

PLUC Members decided to review the definitions provided in Item 1.3. Goff suggested they look at definitions used by the power company. Fitzburgh read from the RMP manual that anything above 600 volts is a primary distribution line.

Fitzburgh will ask the Roads Committee to review the Ordinance and proposed amendments. She will also ask Ron Mengel to review it.

PLUC Members decided to delay a Public Hearing until they had completed their research. Hawkins 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 and possible action re: continuation of inactive status for Conditional Use Permit Renewals. (Tabled)

Fitzburgh moved to untable Item 2. Goff seconded the Motion. Buck, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

PLUC Members decided to delay discussion until their August 2015 Meeting. Fitzburgh will find out if the Town would be liable if they did not require a business license after approving a conditional use permit for that business.

Fitzburgh moved to retable Item 5. Buck seconded the Motion. Buck, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

6. Discussion re: future amendments to Ordinance 85-3. (Tabled)

Fitzburgh moved to untable Item 6. Hawkins seconded the Motion. Buck, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

Rau provided a hand-out detailing both federal and state requirements regarding group homes for people with disabilities and the elderly. He noted that the federal Fair Housing Act addresses group homes for people with disabilities, whereas Utah Code 10-9a-518 and 10-0a-519 addresses group homes for the elderly.

Fitzburgh referred to the Utah League of Cities and Towns 2012 Powers and Duties manual which states that every city and Town must adopt ordinances that allow residential facilities for elderly persons through a conditional use permit where zoning is restricted to single-family homes. The CUP can require that one of the residents (or an immediate family member of one of the residents) own the property, allow up to eight residents, cannot make a profit (can only charge fees to cover actual necessary costs to run facility), and must provide a family-type arrangement.

Rau raised issues concerning septic system regulation, non-relative house members, parking, road use, transportation, and the role of Temporary Accessory Dwellings (TADs) for caretakers of the elderly.

Buck asked for suggestions on the focus she should take in her review of septic systems. She said that she did not find any ordinances or covenants that require pumping of septic tanks or certifications upon sale, except in Ireland which requires certifications every five years. Fitzburgh suggested that she review the related questions and results from the last General Plan survey. Rau suggested that she talk with former PLUC Member Laura Cameron who had researched septic issues. Buck also reported that the Environmental Protection Agency does not provide individual grants for septic problems. Fitzburgh said that SEUALG does have some individual grant programs. She will provide a copy of the information to Buck.

Goff confirmed that her assignment was to review issues surrounding agriculture.

Fitzburgh observed that a single line could be added to Ordinance 85-3 stating that all service below 30kV must be put underground unless otherwise exempt from underground installation in Town Ordinance 2003-1 (Franchise Agreement). Campbell said that both Salt Lake City and Grand County address the issue in this way. Fitzburgh noted that Ordinance 92-1 does cover some nuances that would be left out, such as the requirement to put all new lines in the road easements.

Fitzburgh moved to retable Item 6. Goff seconded the Motion. Buck, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

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

8. Closed Meeting (if needed).

ADJOURNMENT

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

Rau adjourned the Meeting at 8:37 P.M.

APPROVED:

ATTESTED:

Bill Rau, Chairperson

Date

Faylene Roth, PLUC Clerk

Date