



**MINUTES**  
**REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION**

Date: Wednesday, August 5, 2015

Time: 6:30 PM

Place: #2 CV Drive, Castle Valley Community Center

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

Absent: Marie Hawkins

Others Present: Susan Auer, Jack Campbell

**CALL TO ORDER**

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

**1. Open Public Comment.**

Rau appointed Buck to Chair the Meeting and moved to the other side of the table to make the following comments:

Rau reminded those present that a meeting with the Bureau of Land Management (BLM) was scheduled for Monday, August 6, 2015, 6:00-8:00 P.M. regarding their proposals for road openings and closures in their recreation plan developed for lands around Castle Valley. Rau said that he is somewhat concerned about parts of the plan. He encouraged everyone to attend the meeting so that BLM hears what local residents have to say about the proposed decisions. He noted that none of the roads under discussion are within Town boundaries; but, he said, they are nearby.

Rau also announced that the BLM will be hosting a meeting on Wednesday, August 12, 2015, 4:00-6:00 P.M. at the Grand Center concerning an application from Fidelity Exploration Company to open 16 new well pads to accommodate 46 new wells near Canyonlands. He said, even though these wells are beyond our immediate boundaries, he feels they could affect air quality in the area. He noted that Castle Valley, 15-18 miles away, could be impacted. Rau said this application would increase Fidelity's total number of wells to 66. He noted that a meeting to discuss the environmental impact will also be held.

Rau returned to the table to Chair the remainder of the Meeting.

Susan Auer inquired about the Neighbor to Neighbor program that has been proposed for Castle Valley residents. Rau informed her that this program is not a program under consideration by the Planning and Land Use Commission (PLUC). He suggested that she check the Town website which has posted a letter that includes contact names for more information.

**2. Approval of minutes.**

**Regular Meeting of July 1, 2015.**

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

**3. Reports.**

Correspondence - None

Town Council Meeting – Nothing reported.



Hazard Mitigation Committee (HMC) – Rau reported that the HMC met last month and continues to refine its draft report. He said that he does not foresee anything in the report that will require PLUC attention.

Permit Agent – Roth reported completion of two Certificates of Occupancy and a building report for a foundation for a pre-fab shed. She also reported that the contractor for the pre-approved addition on Lot 54 had contacted her about picking up the signed permit, but she has not yet met with him to review and confirm the building plans. Roth also reported that the property owner on Lot 124 has contacted her about a building permit for a manufactured home to replace the current residence. She informed the PLUC that the building permit and a Decommissioning Contract for the current structure will be on next month's Agenda.

Procedural Matters – Roth informed PLUC Members that she will be away August 6-11.

## **NEW BUSINESS**

### **4. Discussion and possible action re: including the Application of Right-of-Way Encroachment Permit as part of the Building Permit process.**

Fitzburgh reported that she had attended the last Roads Committee (RC) Meeting. She said that the RC wants the Encroachment Permit to be used when new electrical service is being installed within the road easement. The Permit allows the Roads Manager to review the electrical installation plan and provide feedback about how it will affect the roads. Fitzburgh said that Rocky Mountain Power (RMP) is okay with the Permit as long as the property owner—not RMP—is responsible for acquiring the Permit.

According to Fitzburgh, Mayor Erley had suggested that the Encroachment Permit application might be considered routine or nonroutine, as are the Conditional Use Permit (CUP) applications.

Roth suggested adding a line to the Electrical Permit that states: include an Application of Right-of-Way Encroachment Permit, if needed.

Fitzburgh said that RMP would prefer that power installation be out of the road easement and put above the road, out of the ditch, where it would not be exposed to erosion. According to Fitzburgh, RMP buries the power lines 36 inches below grade, which is the reason they do not want to put the lines down the center of the road where compaction from traffic might damage the conduit. She said this would put the responsibility on RMP to obtain easements from property owners for electrical installations. It was noted that most developments grant a 10-foot easement around the perimeter of each lot for utilities. She suggested that Ordinance 92-1 might state that new lines be placed within 10 feet of the road easement where practicable. Another suggestion was to let the Roads Committee consider each new installation on a case-by-case basis because the best location and/or placement of slopes may or may not be within the road easement. Fitzburgh stated that Roads Manager Matz had said at the RC Meeting that he would prefer a solution that gave them the most flexibility.

Campbell noted some complications that might arise for property owners if power lines were required to be placed within a 10-foot road easement along the property boundaries, such as, interference with a fence and the long-lasting scar left once a backhoe digs a trench across a neighbor's property.

PLUC Members were uncertain how many properties might be affected by new power installation. Fitzburgh asked Roth to obtain a report from the database to help them determine what percentage of properties remain undeveloped.



Campbell said that Homeland Security restricts towns and cities from having power installation maps; but here, he said, everything is visible so he sensed there might be exceptions where RMP would allow a town such as ours to have a map. He suggested that the Town and the Roads Committee write a letter to RMP citing these reasons for getting a map.

PLUC Members discussed the regulations that require RMP to identify the cause of a power outage within two hours and for Blue Stakes to identify utility locations within 48 hours. They proposed the idea that our isolation might be another reason to give us maps. Rau said he thought that RMP was concerned that the Town would try to repair the power lines if it had a map. Their regulations are written so that someone must get out here within two hours to determine

Campbell commented that if the power lines are installed in a straight line, then the Roads crew would know where they were located.

Roth will prepare a draft of the proposed change to the Electrical Permit and make it available to the Roads Committee. Fitzburgh noted that the permit form may need to be altered again to meet future changes in the Ordinance.

### **UNFINISHED BUSINESS**

#### **5. Discussion and possible action re: additional amendments to Ordinance 92-1: Electric Utility Installation Requirements (tabled).**

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

Fitzburgh referred to Item 2.4 and suggested that the first sentence, which requires that power lines be put within the road easement, could be removed which would punt the decision to the Roads Committee to decide their policies or the first sentence could be left in but be more specific about requiring the lines to be on the shoulder or within 10 feet of the road easement, when practicable.

Goff said that she preferred removing the first sentence and giving the choice to the Roads Committee. Buck agreed but thought it important to find out how many lots might still be affected. Rau said he, too, was fine with removing the first sentence, but he noted that it would require the Roads Committee to come up with its own language. Fitzburgh said they could decide to leave it on a case-by-case basis or find language to present what the alternatives might be.

Rau suggested that the PLUC draft a letter to the Roads Committee or make their recommendation to the Town Council describing what the PLUC adopts and suggesting language for them to use.

After discussion, PLUC Members agreed to delete the first sentence in Section 2.4 and recommend that the Roads Committee establish a policy that would make decisions on a case-by-case basis and to hold a Public Hearing at its September 2, 2015, Meeting. Fitzburgh will prepare a draft of the changes to be posted on the Town website.

Roth will send the Public Hearing announcement to the Times Independent on August 14, 2015.

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

#### **6. Discussion and possible action re: continuation of inactive status for Conditional Use Permit Renewals (tabled).**

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



PLUC Members reviewed a summary of comments made to Clerk Ali Fuller by David Church Attorney for Utah League of Cities and Towns (ULCT) regarding the Town's responsibility in requiring CUP holders to obtain a business license. Rau noted that Church never provides a direct yes or no answer. Fitzburgh says it is because language regarding business licenses is not in one place but is spread throughout Utah Code. She observed that Castle Valley's current ordinance does not state that a business license is required. She explained that the current inactive status was created for people with little business activity.

Rau said that he thought there was a cost to the Town in allowing the inactive status because it requires time to consider the permit renewals. He suggested a time frame for use of the inactive status.

Campbell said he was concerned that someone holding on to an inactive permit would be allowed to continue a business activity that the Town had later prohibited. Fitzburgh explained that the annual renewals would not allow this to occur.

Roth suggested that the current language in Ordinance 85-3 be retained until the Ordinance comes up for further review. Fitzburgh agreed and suggested that the next renewal letter put a time limit on the inactive status.

Goff said she sees no reason to continue inactive status. According to Goff, it is clear enough that the Town requires a CUP for running a business. She indicated that if the State does not hold the Town responsible for who gets or does not get a business license, that is another matter. Fitzburgh suggested that the next renewal letter state that Utah does require business licenses and that the Town provides them.

After discussion, PLUC Members agreed that the next renewal letter and application will not include an inactive status. Roth will draft a revised letter and application form for PLUC review.

**7. Discussion re: future amendments to Ordinance 85-3 (tabled).**

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

**9. Closed Meeting (if needed).**

#### **ADJOURNMENT**

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

Rau Adjourned the Meeting at 7:52 P.M.

**APPROVED:**

**ATTESTED:**

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**Bill Rau, Chairperson**

\_\_\_\_\_  
**Date**

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

\_\_\_\_\_  
**Date**