



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, September 2, 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
Others Present: Brian Ballard, Hiram Ballard, Jack Campbell, Bob Schumaker

CALL TO ORDER

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

PUBLIC HEARING

On additional amendments 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.

Campbell said he was pleased that the language in the Ordinance was moving towards a direct statement that all new power should be installed underground. He then commented that Section 4 was important because it allowed the Town to negotiate with the power company if some major change were being made in the grid. He noted that the original district manager of Utah Power and Light had been willing to put existing overhead lines underground at almost no cost to the Town. Fitzburgh responded that she had spoken with a representative of Rocky Mountain Power (RMP) who agreed that they would adhere to this condition and give notice to the Town before major changes were made. Campbell also said that he had attended the recent Roads Committee (RC) meeting when they met with a representative from RMP. It was Campbell's opinion that RMP makes misleading statements when it is to their advantage. He gave an example of a conversation about who would pay—RMP or the Town—when safety improvements were made to the line. According to Campbell, the RMP representative affirmed that RMP would pay when the improvement was on a primary line. However, Campbell said, the RMP representative declined to comment when a repair to a lower voltage line was discussed until he [Campbell] asked if the necessary repair was before or after the meter since RMP owns the line above the meter and the property owner owns the line below the meter. Campbell said that the RMP representative then admitted that RMP would be responsible for any work above the meter even though this was a lower voltage line.

REGULAR MEETING

1. **Open Public Comment. - None**
2. **Approval of minutes.**

Regular Meeting of August 5, 2015.

Fitzburgh moved to approve the Minutes of August 5, 2015, as presented. Buck seconded the Motion. Buck, Fitzburgh, Goff, and Rau approved the Motion. Hawkins abstained. The Motion passed with four in favor and one abstention.

3. **Reports.**

Correspondence. – None.

Town Council (TC) Meeting – Fitzburgh.



Rau reported that he attended the first portion of the last Town Council Meeting. He said that Elizabeth Tubbs, Grand County Council representative for Castle Valley, gave a long report, which included a request put before the County Council to approve putting a \$4 million bond on the November ballot to ~~pay for removal~~ cover the cost of a private concrete sewage storage tank next to the Fairfield Inn at the north end of Moab. Tubbs reported that the request was not approved. Rau also reported that Jason Matz had resigned as Roads Manager. According to Rau, the Town Council is considering how to restructure the Roads Department. Roth added that they are currently rewriting job descriptions and said that someone from the Roads Committee will serve as manager, when needed, for drainage reviews, etc.

Hazard Mitigation Committee (HMC) – Rau.

Rau said that he did not attend the last HMC Meeting but reported that they had discussed how to introduce their final plan to the different committees and councils within the Town and how different ordinances, plans, and rules can be made to fit the plan. He said the HMC will hold a Public Hearing at their meeting on the second Wednesday in October. They hope to approve a final plan at their November meeting.

Permit Agent.

Roth submitted a report showing that an electrical permit, a solar permit, and a garage building permit had been issued during August 2015. She also approved a routine-Conditional Use Permit (CUP) for Colin Anderton, Lot 384, for handy-man, landscape maintenance, light home repairs, etc.

Rau asked whether neighbors were informed of requests for solar permits. Roth answered no. She said the only requirements are that the solar structure adheres to the same setbacks and height restrictions that govern other structures. She also said that the permit gathers information about the size and capacity of the solar power systems so that the PLUC will have that information if needed later.

Fitzburgh noted that when letters are sent to neighbors regarding CUP applications, they are not being asked to give permission for the CUP. Roth added that neighbors are provided the opportunity to address any mitigating circumstances that they think may arise from the request.

Procedural Matters.

Roth reported that she will be out of town September 5-18.

NEW BUSINESS

4. Discussion and possible action re: request for changes to a pre-approved nonroutine Building Permit for Lot 54.

Fitzburgh reported that Roth had spoken with Jeff Whitney, Grand County Building Inspector, who informed her that the property owner had previously submitted the pre-approved building permit for the garage addition and that it had expired because the property owner had not followed up on it within the following six-month period. Whitney told Roth that the property owner would now need a current building permit approved under current regulations.

Fitzburgh explained that Castle Valley's current zoning rules cap square footage at 5,000 S.F. for structures above 19 feet in height. She said that there are currently three or more pre-approved building permits for this lot that are not yet built plus an animal shelter that has not been permitted which would require a Certificate of Land Use Compliance (CLUC). She said that no lot is allowed more than 7,000 total combined square footage which includes any structure with a roof, measured exterior wall to exterior wall plus additional square footage of second stories and lofts with a ceiling height of 5 feet or more, roof overhangs and porch roofs. According to Fitzburgh, the combined square footage approved for the lot with the unbuilt permits exceeds 9,000 S.F. She said the property owner would need to give up most of the



unused permits, and then could apply some of the square footage of those unused permits to an addition and be under the current 7,000 square foot limit. She said that the current residence is a noncomplying structure because its height exceeds the current limit of 25 feet. She referred to the section of the current Ordinance that allows for such a noncomplying structure to add up to a total of 500 S.F. above 25 feet tall as long as the total combined square footage of the building doesn't exceed 5,000 S.F. and as long as the addition doesn't exceed the current height or 30 feet above grade (whichever is lower). Fitzburgh said that the Town records show that the residence currently has approximately 4652 S.F. of total combined square footage. However, she said, that if the addition was less than 19 feet in height, the additional square footage for the residence could be greater than 500 S.F. as long as it does not make the total combined square footage on the lot, including accessory structures and outstanding pre-approved permits, more than 7,000 S.F. She also noted that no building can contain more than one kitchen and that there cannot be more than one structure on a lot that contains both a kitchen and a full bathroom.

Brian Ballard of Red Valley Builders, representing the property owner, said that the height of the house was 24 feet from grade.

Roth said that the plans indicate a height of 27 feet from floor level plus the height above grade which might be about 3 feet. She said the Town would want to confirm the actual height of the house.

The Ballards said they would convey this information to the property owners.

5. Discussion and possible action re: approval of nonroutine Decommissioning Contract for Lot 124.

Fitzburgh said that she did not think that the current structure described met the definition of a dwelling. She suggested that they consider this structure as they would a yurt or a teepee, structures which would not be considered second dwellings since they do not meet the definition of a dwelling. She noted that the property owners have signed the one-dwelling per lot acknowledgment form, so they know that they are not allowed to use the structure as a second dwelling. As a result, Fitzburgh said that she did not think a Decommissioning Contract was necessary since the structure in question has no plumbing in it and therefore no kitchen or bathroom. She stated that there is nothing to decommission or take out in this situation. After discussion, PLUC members agreed.

Fitzburgh moved not to require a Decommissioning Contract on Lot 124. Goff seconded the Motion. Buck, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

UNFINISHED

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

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

Fitzburgh said that the only change made at the last PLUC Meeting was in Section 2.4, which allows the Roads Committee to decide the requirements and procedures for power installations within the Town's road easement.

Roth reported that the Roads Committee had reviewed the changes at their last Meeting and had approved this approach. She also presented the additions to the Electrical Permit which note that any work within the road easements would require an Application for Right-of-Way

Encroachment permit. According to Roth, the Roads Committee had reviewed the changes to the Electrical Permit and approved them.

Fitzburgh reported a conversation with the Town Clerk about whether Ordinance 95-6 should be updated to include the new forms. Fitzburgh said that the Ordinance states that—at a minimum—the listed forms are required but states that additional forms can be added as needed. She did not think that the Ordinance needed to be updated at this time. PLUC Members agreed.

Campbell asked whether Ordinance 92-1 should be cross-referenced with the RMP franchise agreement. Several PLUC Members noted that Section 2.3 does reference the franchise ordinance.

Fitzburgh moved to recommend the amended Ordinance 92-1 as presented in our Meeting Books with the recommendation that the Roads Committee develop a policy regarding electrical service within the Town road easement. Buck seconded the Motion. Buck, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

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

Fitzburgh moved to untable Item 7. Hawkins seconded the Motion. Buck, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

Rau said that he wants the PLUC to return to this discussion. Fitzburgh suggested it would be a good opportunity to address the dwelling issue that was brought up by Campbell regarding the definition of a kitchen and inconsistencies in language within the ordinance. Campbell said he would investigate these issues.

Goff moved to retable Item 7. Buck seconded the Motion. Buck, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

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. Hawkins seconded the Motion. Buck, Fitzburgh, Goff, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

Rau adjourned the Meeting at 7:27 P.M.

APPROVED:

ATTESTED:

Bill Rau, Chairperson

Date

Faylene Roth, PLUC Clerk

Date