

**MINUTES**  
**PUBLIC HEARING ON PROPOSED AMENDMENTS TO ORDINANCE 2007-5,**  
**AN ORDINANCE TO AMEND ORDINANCE 2006-5 ADOPTING THE 2006**  
**INTERNATIONAL BUILDING CODE, ETC., BY THE PLANNING AND LAND**  
**USE COMMISSION OF THE TOWN OF CASTLE VALLEY, UTAH ON**  
**WEDNESDAY, MARCH 2, 2011, AT 7:00 P.M.**  
**AND**  
**REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION**

Date: Wednesday, March 2, 2011

Time: 7:00 P.M.

Place: Castle Valley Community Center, #2 Castle Valley Drive

Present: Laura Cameron, Mary Beth Fitzburgh, Eddie Morandi

Absent: Marie Hawkins

Others Present: None

**PUBLIC HEARING**

1. Call To Order.

Mary Beth called to order the Public Hearing on Proposed Amendments to Ordinance 2007-5, an Ordinance to Amend Ordinance 2006-5 Adopting the 2006 International Building Code, etc., on Wednesday, March 2, 2011, at 7:01 P.M.

2. **PUBLIC HEARING ON PROPOSED AMENDMENTS TO ORDINANCE 2007-5, AN ORDINANCE TO AMEND ORDINANCE 2006-5 ADOPTING THE 2006 INTERNATIONAL BUILDING CODE, ETC.**

Because of technical difficulties with getting the document on the Town website so that it was available to the public as required, Mary Beth announced that the Public Hearing would not be held this evening. Instead it will be held at the beginning of the April 6, 2011, Planning and Land Use Commission Meeting scheduled for 7:00 P.M.

Faylene will notify the Moab Times Independent by March 21, 2011, to post notice of the Public Hearing in its March 24, 2011, and March 31, 2011 editions. She will post notices of the Public Hearing on Town website, State website, and Town Bulletin Boards on March 25.

**REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION**

CALL TO ORDER at 7:04 P.M.

1. Open Public Comment.

None.

## APPROVAL OF MINUTES

### 2. Regular Meeting February 2, 2011.

Eddie motioned to approve the changes submitted by Mary Beth in the Working Draft 2 Minutes of the February 2, 2011, PLUC Meeting. Laura seconded the Motion. Laura, Mary Beth, and Eddie approved the Motion. The Motion passed unanimously.

## REPORTS

### 3. Town Council Meeting – Chair.

Mary Beth reviewed changes made by the Town Council to Ordinance 85-3 before they passed it at a Special Meeting of the Town Council on February 28, 2011. Faylene will make copies of the new ordinance for PLUC members as requested.

Mary Beth also reported on discussion by the Town Council concerning current resolutions and ordinances that relate to enforcement. The Town Council is considering repeal of Resolution 96-3 because many of its procedures are redundant and/or out of date. Ordinance 2008-2, an Ordinance Establishing a Complaint Resolution Process will remain intact.

The PLUC plans to review enforcement issues related to land-use ordinances; such as, fencing, lighting, animal control, etc., and to discuss ways to disseminate this information to the public. Faylene will provide copies of septic information currently distributed with the Building Permit Information Sheet to Laura (and other PLUC members) for her research on septic system concerns in the Castle Valley watershed.

### 4. Building Permit Agent.

One building permit for a studio and one routine conditional use permit were issued in February. Faylene reported that the Town of Castle Valley is submitting a request later this week for an electrical permit for installation of the Town's solar panels at the Community Center.

The increased number of requests for electrical permits for solar installations was discussed. Members considered whether regulations beyond zoning setbacks should be imposed. Viewshed was one possible concern, but the general feeling amongst members present was that it did not need to be addressed immediately. Mary Beth stated that the Town does not want to discourage residents from installing alternative power systems.

Members reviewed the Building Permit Report prepared by Faylene in response to a request from Dave Erley at last month's PLUC Meeting. It lists building permits issued

during the period from January 2008 through December 2010. The Report shows lot number, physical address, property owner, type of permit (with related decommissioning contracts and variance requests), date of issue, expiration date (where applicable), type of structure, status (when known), and issuance of Certificate of Occupancy.

After discussion, members requested that Faylene indicate which permits were issued after the moratorium on building permits was lifted and which permits allow structures in excess of 25 feet in height and/or a total square footage on lot in excess of 7000 S.F. Faylene will extend the Report to include permits issued before 2008 as time allows within the suggested hours allotted to her position.

It was noted that permits issued before the Town adopted an expiration policy are valid in perpetuity in Castle Valley; unless, the plans presented to Castle Valley do not meet the Grand County building codes in effect when the plans are submitted to Grand County. If Grand County requests a new building permit approval from Castle Valley, then current zoning regulations could apply.

#### 5. Procedural Matters.

Mary Beth reported that when she sends notice to Denise of the PLUC Agenda and Public Hearing notices, they are appearing only under the section for PLUC Agendas and Minutes. She wants to include them on the Town home page so they will be more apparent as a public notice. Faylene will start posting PLUC items to the web pages (after training).

#### NEW BUSINESS

#### 6. Discussion and possible action re: future agenda items.

Mary Beth will prepare a document for next month's Agenda of key land-use requirements for Castle Valley for the PLUC to consider this year. Suggestions generated at previous meetings included: enforcement, solar panel regulations, assessment of building permit fees, measurement of building height on slopes, fencing ordinance, watershed protection ordinance, container storage, language related to how much higher Finished Grade can be above Existing Grade in order to qualify as a basement.

After a discussion of the definition of "studio," it was decided that building permits will use the term "accessory building," (which is already defined), then notate its use.

This item will no longer appear in future agendas, but any member may place new topics on the Agenda of future meetings.

#### OLD BUSINESS

7. Discussion and possible action re: amending Ordinance 2007-5 to adopt the 2009 International Building Code, etc. (tabled).

Left tabled.

8. Discussion regarding: enforcement sections of land use ordinances.

Eddie noted that he had recently received a letter from Dave Erley pertaining to resolution of a land-use violation which demonstrated how the enforcement process can successfully work. Eddie expressed his concern that the current ordinances do not have enough “teeth” in them to discourage residents from violations. Mary Beth noted, however, that the second step in the enforcement process is district court. Laura questioned how the community learns that ordinances are being enforced. After discussion, it was decided that Laura will contact Ron Drake about reporting the new regulations from Ordinance 85-3 in his Castle Valley Comments column. Eddie will contact Dave Erley to discuss how Castle Valley can better communicate with residents about how the Town operates and how to best impress upon residents that the Town does take enforcement seriously.

Faylene reported that Dave Erley had requested that she share the following concerns which he had regarding enforcement issues for the Town: (1) complainers should remain anonymous; (2) should complainant (NOTE: In approving these Minutes at the April 6, 2011 PLUC Meeting, it was noted that the intent of the term “complainant” is the person in violation.) be responsible for legal fees and for reimbursement of time spent by Mayor or other designee to enforce the complaint; (3) role and make-up of the Complaint Resolution Board.

Mary Beth suggested that the PLUC initiate an enforcement review of all land-use ordinances to ensure that all land-use enforcement procedures match. Individual ordinances will be reviewed at future meetings.

Not re-tabled.

9. Discussion and possible action re: reviewing and amending Ordinance 96-1: Watershed Protection Ordinance (tabled).

Laura motioned to untable Item 9. Eddie seconded the Motion. Laura, Mary Beth, and Eddie approved the Motion. The Motion passed unanimously.

Laura has been investigating the role of septic systems as a primary threat to the quality of the watershed. She reported on her communication with Judith Sims who had met several years ago with the PLUC about best technology practices for septic systems. Simms is currently seeking funding for programs to inform homeowners of best-use technologies for septic systems. She offered to set up a meeting in Moab and to meet with the PLUC.

In her research, Laura learned that the local Southeastern Utah Health Department follows the requirements of the State Wastewater Systems. Utah State Code #R317-4-2.1 states that local health departments can apply stricter regulations than the State and allow the use of septic systems with best technology, but Jim Adamson, Health Inspector with the SE Utah Health Department, has reported that they don't have time to do more than what they are already doing. She did find reference to inspection requirements which could be imposed upon residents, possibly every five years or when property is sold. There are four or five people in Grand County who are certified to do septic inspections, but Eddie noted that all were septic system contractors which could lead to a conflict of interest. After some discussion of whether the Town can or should require periodic inspections, it was decided that Laura would determine the scope of an inspection and its cost.

Eddie referred to previous work done by Katherine Howell, a former CV resident and PLUC member, who had previously researched septic systems and best technology practices. Mary Beth suggested that Laura, or others, search the CV files to find previous work done on this issue.

According to EPA, the estimated life of a septic system is 20 years. The County Health Department does require property owners to designate a secondary site for a new drain field.

Eddie motioned to retable Item 9. Laura seconded the Motion. Laura, Mary Beth, and Eddie approved the Motion. The Motion passed unanimously.

Laura motioned to adjourn the Meeting. Eddie seconded the Motion. Laura, Mary Beth, and Eddie approved the Motion. The Motion passed unanimously.

Adjournment: 8:55 P.M.

**APPROVED:**

**ATTESTED:**

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**Mary Beth Fitzburgh, Chairperson      Date**

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**Denise Lucas, Town Clerk      Date**