

MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, April 3, 2013

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Chair Mary Beth Fitzburgh, Vice-Chair Marie Hawkins, Member Laura Cameron

Absent: None

Others Present: Bill Rau, Leta Vaughn

Clerk/Recorder: Faylene Roth

CALL TO ORDER at 7:04 P.M.

1. Open Public Comment.

None.

APPROVAL OF MINUTES

2. Regular Meeting March 6, 2013.

Cameron motioned to approve the Minutes of March 6, 2013, as presented. Hawkins seconded the Motion. Cameron, Fitzburgh, and Hawkins approved the Motion. The Motion passed unanimously.

REPORTS

3. Correspondence.

None.

4. Town Council Meeting – Chair.

Fitzburgh reported that the Town Council passed the proposed amendments to Ordinance 85-3 prohibiting specific home and premises occupations. She said the Town had sent the proposed changes to their attorney, Christina Sloan, for review. Sloan suggested some corrections for consistency in language throughout the document which the Council accepted. Fitzburgh reported that Sloan had also suggested renaming the document to refer to the year in which amendments are approved. However, she noted, that Council Members decided not to adopt a change in title because everyone in the community is familiar with its current title as 85-3. Council Members also observed, according to Fitzburgh, that changing the name from Ordinance 85-3 would require changes in all the other zoning ordinances that refer to it by name.

In addition, Fitzburgh reported, that Council Members discussed their responsibility to educate local citizens more about the nature of the Castle Valley aquifer. Hawkins suggested that they check on the possibility of including an information document with the Grand County tax bill.

5. Permit Agent.

Roth presented a report for the Month of March 2013. One permit was issued for a HUD-approved foundation for a single-wide trailer and one for a solar installation.

6. Procedural Matters.

None.

NEW BUSINESS

7. Discussion and possible action re: proposed amendments to Ordinance 85-3 regarding: permitted conditional uses and general operating requirements.

Fitzburgh and Cameron had asked for review of permitted and conditional uses in Sections 4.2 and 4.5 of Ordinance 85-3. Fitzburgh referred Members to the list in Section 4.5 of conditional uses that are allowed with compliance to reasonable standards. She noted that some items, like windmills, have vague standards which she thought should be reviewed. She suggested also looking at standards for alternative energy, nurseries, botanical gardens, day care, and foster home care.

Cameron spoke about her concerns that the Ordinance imposes undue regulation over foster care families. According to Cameron, the State of Utah provides training and inspections of foster care homes through its Child and Family Services Division in coordination with the Utah Foster Care Foundation. She does not think the Town should require a separate permitting process considering the extensive preparation provided by the State. PLUC Members discussed whether this requirement was based on the Town Ordinance that prohibits more than four unrelated people to live in the same house or whether it was intended to prevent group homes, not foster care homes. One suggestion was to change foster care homes to a permitted use with the condition that they be approved and supervised by the State Division of Social Services or another placement agency licensed by the State.

Fitzburgh suggested waiting until a later date to address these changes so they can be included with a larger set of amendments that would standardize the Ordinance and coordinate it with the General Plan. She mentioned amending the Conditional Use General Operating Requirements for home and premises occupations to address future challenges that could arise from applications for home-based cottage manufacturing businesses. Some necessary changes mentioned were separate storage for flammable materials (as was required in Dunton's CUP) and a requirement that the use would not create a greater demand on municipal services and that no more hazardous waste would be generated than a household would normally produce.

From the audience, Bill Rau asked for clarification of the term "reasonable" in setting conditions for conditional uses. Fitzburgh replied that the Court will see conditions as "reasonable" as long as their overall purpose is to protect the residential nature of the zone. Conditions that address noise, traffic, etc., would meet this standard. Fitzburgh read from the **Utah League of Cities and Towns** reference book which cites the State requirement that a Town may set conditions for

conditional uses based on the standards in their land use ordinance; that the standards are administrative, not legislative; and that the Court will support the conditions set if they are supported by good records showing substantial evidence that supports the decision that was made with findings and conclusions.

UNFINISHED BUSINESS

8. Discussion and possible action re: General Plan Review (tabled).

Hawkins motioned to untable Item 8. Cameron seconded the Motion. Cameron, Fitzburgh, and Hawkins approved the Motion. The Motion passed unanimously.

Fitzburgh and Cameron presented some documents and analyses of survey responses regarding senior housing, septic system management, and additional comments.

Fitzburgh reviewed her first draft of a Survey Report, which included the following sections: background, survey response rate (53%), general findings, statistics, and individual section summaries with statistics. She may decide to use color coding to enhance the display of some of the statistical data. Fitzburgh indicated that her goal is to produce a final draft of the report by the May 1, 2013, PLUC Meeting. Cameron noted the great overview and great work done by Fitzburgh on the survey report.

Other areas of the survey to address, according to Fitzburgh, are handling of write-in questions, breakdown of different residency statuses, use of graphs for write-in responses, separation of write-in responses into categories that could be displayed in a pie chart, and display of differences in opinion between residents and nonresidents.

Cameron's report examined differences between residents, part-time residents, and nonresidents in their responses about septic systems. PLUC Members discussed and agreed that it would be important to gather more information about the age of septic systems on Castle Valley properties. Cameron and Roth will work together to develop a plan to update the Town database information on septic systems. Cameron will write the portion of the General Plan that relates to gathering septic information.

Members discussed whether a summary version of the Survey results should be provided or whether the summaries of each section would provide a sufficient overview if separated from the statistical portion. No decision was made, but Hawkins indicated that she would give it further thought.

Further topics of discussion included: presentation of data; management of all the numbers to avoid confusion; ranking terms, such as some, many, most, significant, overwhelming; use of language; which sections to graph and best type of graph to use; interpretation of data; how to avoid bias; and whether to consider neutral responses as support for an issue.

Some suggestions were spelling out numbers that were not statistical and following a spelled-out number with its digit in parentheses. One standard for ranking adjectives was: some = less than 20%, many = 60-70%, most = over 70%, significant = over 80%, overwhelming = 90%.

