

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

Date: Wednesday, June 1, 2011

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Laura Cameron, Mary Beth Fitzburgh, Eddie Morandi, Marie Hawkins (arrived at 7:04 P.M. during review of Minutes)

Absent: None

Others Present: None

Clerk/Recorder: Faylene Roth

CALL TO ORDER at 7:01 P.M.

1. Open Public Comment.

None.

APPROVAL OF MINUTES

2. Regular Meeting May 4, 2011.

After clarification of language in Items 7 and 8 and correction of a grammatical error in Item 5, Laura motioned to approve the Minutes for the May 4, 2011, Meeting as amended. Marie seconded the Motion. Laura, Mary Beth, Marie, and Eddie approved the Motion. The Motion passed unanimously.

REPORTS

3. Town Council Meeting – Chair.

Mary Beth reported that the Town Council discussed the need for impact fees and change in building permit fees to recover road expenditures due to construction-related road damage and staff time for drainage reviews. The PLUC Report to the Town Council included information on state codes that regulate these fees. After discussion, Joan Sangree suggested not pursuing any changes in fees to recover road damage due to construction at this time.

Ordinances related to fuel tanks were also discussed at the Town Council Meeting. Mary Beth's Report to the Town Council stated that current language in 85-3 regarding fuel storage tanks most likely came from Grand County Ordinances and was the same language used in the first version of the Town of Castle Valley's Ordinance 85-3. She also had reviewed previous Minutes of the Town Council which showed that other rules were considered in 2004, but the original wording in the first version was kept. She felt that the wording in the current Ordinance should be changed regarding propane tanks to reflect safe management and inspection procedures required by the propane companies.

4. Building Permit Agent.

Faylene reported that permits for a septic system, a remodel and two Temporary Dwelling Permits (one requiring a Decommissioning Contract) were issued in May. There was discussion of safety issues regarding tie-downs for manufactured homes and travel trailers used as temporary dwellings. Mary Beth will contact the Grand County Building Department about their permit requirements for travel trailers.

Faylene also asked for a discussion regarding a mailing of Castle Valley's land-use ordinances and Castle Valley River Ranchos Property Owners Association covenants which was sent by a Castle Valley resident to all property owners. Faylene had heard some concerns from property owners regarding conflicting building requirements between the Town ordinances the POA covenants. Marie noted that the covenants expire 10 years from the date of origin unless extended by the POA. Mary Beth will investigate this and the legality of whether Town Ordinances supersede the Covenants.

#### 5. Procedural Matters.

None.

#### NEW BUSINESS

#### 6. Discussion re: Open Meeting Act Training May 19, 2011.

Faylene, Denise, and Mary Beth attended the Training Meeting. Mary Beth reported that she had learned since the last PLUC meeting that attendance is not required. It is required that the PLUC Chair and the Mayor make the training available to members.

Mary Beth reported on some of the new legislation that affects PLUC members: text messaging between members during a meeting is not allowed; however the recorder is allowed to use text messaging to gain information from an outside party; telephone numbers and e-mail addresses of members must be made available to the public, but the contact can be made through the Town Office and Town e-mail system; group e-mails amongst members are legal when a quorum is included, but they are considered a public document; the GRAMA bill regarding public access to government records did not pass but is still under discussion in a working group of the State Legislature; entering a Closed Meeting requires approval by two-thirds of members present; Public Hearing documents for land use ordinance amendments are not required by State law to be posted; Meeting Minutes must be made available in a form for public review within a reasonable time; placeholders can be used on the Meeting Agenda to allow discussion of general items, but action should not be taken until the issue is made a regular Agenda item; recorded Minutes must be saved one year after approval of the written Minutes; draft Minutes may be destroyed after written Minutes have been approved.

Faylene reported on how to handle corrections to the Minutes that change the meaning of properly recorded Minutes. The discussion is recorded in the current Minutes and a member can make a Motion to amend the previous Minutes to say, "....." The amendment can then be inserted in the previous Minutes.

Mary Beth asked Faylene to include an item on future PLUC Agendas for "Closed Session, (if needed.)"

## 7. Discussion and possible action re: assessing building permit fees.

Members discussed an increase in building permit fees that would reflect the actual amount of time required to review and approve plans. Mary Beth reviewed a document she provided that details Utah State Code requirements. Members considered what guidelines could be used to establish a two-tier fee system for the Town of Castle Valley. Suggestions included: actual time required to review plans; square footage of proposed construction; change in footprint or square footage of existing building (remodel vs. new construction).

Laura reported on her research regarding the use of impact fees in surrounding communities to mitigate road damage due to construction. Green River imposes impact fees for water and sewer but not road damage. Blanding does not use impact fees for road damage due to construction, but they do issue a disclosure stating that property owners will have to cover the cost of repairs for any damage done to roads or drainages during construction. They require that the repairs be completed before getting a Certificate of Occupancy.

Other suggestions from the above communities were to consult the Utah League of Cities and Towns. The Utah Land Use Institute, which is a nonprofit organization, recently published a handbook and checklist for impact fees. Laura suggested that the Town acquire a copy. A suggestion from Monticello was to determine whether our Class C road funds were adequate. If not, we should ask for more funding.

Members discussed whether property owners should be responsible for road damage during construction or whether the Town should accept responsibility for it. Culvert repair was also discussed. Mary Beth will review the culvert ordinance and discussion will continue at the next Meeting.

Eddie motioned to table Item #7. Laura, Mary Beth, Marie, and Eddie approved the Motion. The Motion passed unanimously.

## OLD BUSINESS

### 8. Discussion and possible action re: regulations for solar panels, windmills and other alternative energy structures.

According to a document prepared by Mary Beth, the Grand County Land Use Code considers solar panels an accessory use and imposes a 24' height limit. State code says that a reasonably designed solar installation cannot be denied and that there is a right to "solar skyspace," which means that solar insolation cannot be blocked by neighbors once solar panels have been installed. There is no State code requiring shielding of solar installations. Excerpts provided from Colorado communities addressed issues of glare, size of solar systems, and impact on adjacent properties.

Mary Beth felt that the 30' setbacks required by the Town of Castle Valley would prevent neighboring structures from interfering with solar skyspace, but planting trees could potentially obstruct a neighbor's solar insolation. Shielding of panels, discussions with neighbors, and requiring a conditional use permit (as with windmills) were considered. Marie suggested holding a Public Hearing to gain input from property owners before deciding what to do.

Eddie motioned to table Item #8. Laura seconded the Motion. Laura, Mary Beth, and Eddie approved the Motion. Marie left before the Motion was made. The Motion passed unanimously.

9. Discussion and Possible Action Re: Communication with the public and real estate agents regarding zoning regulations via the Town website and by other means (tabled).

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

Mary Beth presented a revision of key zoning rules for publication on the Town website. Camping requirements were reviewed and clarified. Faylene suggested adding an item to remind property owners to review building and zoning requirements set forth in Sections 5.2, 5.3, and 5.8 of Ordinance 85-3 before submitting their building plans. A few grammatical corrections were made. Mary Beth will make corrections.

Eddie motioned to implement these changes to bulleted items on the website. Laura seconded the Motion. Laura, Mary Beth, and Eddie approved the Motion. The Motion passed unanimously.

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

Eddie motioned to untable Item #10. Laura seconded the Motion. Laura, Mary Beth, and Eddie approved the Motion. The Motion passed unanimously.

Laura reported that she will be talking to Dave Snyder, Utah State specialist on septic systems, next week about planning an evening or Saturday workshop in early fall for Castle Valley residents about septic system management. She also plans to begin work on a draft of an information sheet on septic system management to provide to Castle Valley landowners.

Eddie motioned to table Item #10. 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: 9:24 P.M.

**APPROVED:**

**ATTESTED:**

\_\_\_\_\_  
Mary Beth Fitzburgh, Chairperson      Date

\_\_\_\_\_  
Denise Lucas, Town Clerk      Date