

MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, October 2, 2013
Time: 7:00 PM
Place: #2 CV Drive, Castle Valley Community Center

Present: Chair Mary Beth Fitzburgh, Vice-chair Marie Hawkins, Member Bill Rau
Absent: Member Laura Cameron
Others Present: Roy Bloomfield, Deena Foltz, Dustin Grimm
Clerk/Recorder: Faylene Roth

CALL TO ORDER

Fitzburgh called the Meeting to Order at 7:01 P.M.

1. Open Public Comment.

None.

APPROVAL OF MINUTES

2. Regular Meeting September 11, 2013.

Hawkins motioned to approve the Minutes of September 11, 2013, as presented. Rau seconded the Motion. Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

REPORTS

3. Correspondence.

None.

4. Town Council Meeting – Chair.

Fitzburgh reported that the Town Council held further discussion at its September 18, 2013, Meeting of the ongoing progress of the Catastrophic Wildfire Plan (CWP) that Council Member Jazmine Duncan had presented to the PLUC at its September 11, 2013, Meeting. Fitzburgh also relayed that Elizabeth Tubbs, who is Castle Valley's representative on the Grand County Council, attended the September Town Council Meeting. Tubbs is also a member of the Catastrophic Wildfire Plan and talked about priorities for the plan, such as power line protection, watershed protection, and the planned first responder course for Castle Valley and environs. Rau asked if surrounding businesses were included in the plans for the first responder course. Leta Vaughn, a member of the Castle Valley Volunteer Fire Department, reported that fire department members will attend the training as well as some of the residents of the Daystar Academy.

According to Vaughn, the class is open to the public. She said the first meeting is scheduled for November 4, 2013, although funding is not yet available.

5. Permit Agent.

Roth presented a report for permit activity during the month of September 2013 which included an electrical permit for new service, a building permit (coupled with a Decommissioning Contract) for a new residence, and a Certificate of Occupancy for an accessory building for use in a proposed business enterprise. Roth reported that she had received an application from Greg Nunn for a Nonroutine Conditional Use Permit for a small jerky and meat processing facility in which the accessory building referred to above would be used. His application will be considered at the November 6, 2013, PLUC Meeting for recommendation to the Town Council.

6. Procedural Matters.

Roth relayed that she will provide a preview at the November 6, 2013, PLUC Meeting of Conditional Use Permits and Business Licenses scheduled for renewal in 2014. Renewal letters are sent at the beginning of November and the renewal requests will be considered at the December 4, 2013, PLUC Meeting for recommendations to the Town Council.

Roth also reminded PLUC Members of the Fall Conference of the Utah Land Use Institute scheduled for October 29-30, 2013. Fitzburgh said that if anyone was interested in attending, the Town would pay mileage and lodging.

NEW BUSINES

7. Discussion and possible action re: Lot 441 Nonroutine Conditional Use Permit for mobile auto repair business.

Roy Bloomfield, an adjacent neighbor to Lot 441 who is in Castle Valley six to eight weeks each year, expressed his concerns about noise created in the vicinity of the business. Grimm explained that any use of equipment, such as an air compressor, would occur at the work location, not at his home. Bloomfield also expressed concern about the chemicals that would be used in the business.

Fitzburgh read two letters sent to the Town regarding the conditional use application. Diana Chalmers, an adjacent neighbor, wrote that Grimm's request "sounds like a workable situation" but if the "limits of the agreement are not honored" she "will be letting the Town know." Deanna King, owner of Lot 441, sent an email in which she requested that the applicant's mother, who is the leaseholder on the property, be required to sign the Conditional Use Permit.

Hawkins inquired about Grimm's age and experience in the auto repair business. Grimm, who is 24 years of age, replied that his dad is a mechanic so he [Grimm] has always been "doing this." Grimm said that he is also a welder and might consider including welding in his business in the future. Hawkins commented on the extreme fire hazard associated with welding. Grimm said that, at this time, he is only interested in doing a mobile mechanic business.

Fitzburgh asked Grimm whether he would be doing any painting or body work. Grimm replied, "No."

Rau asked what percentage of the business would occur in Castle Valley. Grimm said that he expects 90 percent of his business to take place in Moab since that is where he knows people. He thought work in Castle Valley could increase as he got to know more people here.

Bloomfield asked about the lease status of Grimm's residence on Lot 441. Grimm reported that the current one-year lease ends March 31, 2014. At that time, the lease converts to a month-to-month rental since the house is for sale.

Rau asked Grimm about his plans for handling fluids at the residence. Grimm noted that the conditions described in his CUP application would prohibit storage of fluids on the property (except in the work trailer). Grimm said that condition would be "okay" with him. Rau referenced Moab, Utah's Ordinance Section 8.04.070 which states:

No owner or lessee of real property shall knowingly allow or cause solid waste or special waste to be deposited, disposed, or otherwise allowed to accumulate upon property which is not zoned and licensed as a storage or disposal site.

- A. Accumulations of solid waste or special waste as a result of ordinary commercial or residential activities is permitted in advance of regularly scheduled pickups, provided that all solid waste is housed in approved containers, and any special waste is properly contained so as to prevent odors, fumes, leaks, dust, insects, unsightly debris, animal infestations, or other hazardous conditions or nuisances.

Rau thought Castle Valley should follow Moab's ordinance in this area and felt that it was important that Grimm take responsibility for removing hazardous wastes from properties where he may work in Castle Valley because residents may not have the capability to remove the hazardous wastes themselves.

Hawkins suggested that the 5-gallon limit of waste fluid storage on the trailer might be too small. Grimm agreed that it could be tight. According to him, a single oil changes produces about one and one-half gallons of oil. After discussion, the PLUC agreed to increase the waste fluid storage on the trailer to 10 gallons. Bloomfield concurred.

Fitzburgh read through 11 conditions (summarized below) drafted by the PLUC:

- 1) Refers to Ordinance 85-3, Sections 4.8.2(13) and 4.8.2(14) which require noise mitigation and appropriate fire suppression equipment and appropriate preparation of an outside work area for work—such as welding—that poses a fire risk. PLUC Members agreed that the conditions for Grimm's business should prohibit any welding. Fitzburgh reviewed the General Operating Requirements in Section 4.8.2 pertaining to signage, advertising, drop-ins, hours, etc. She asked Roth to ensure that Grimm receives a copy of this portion of the Ordinance.

- 2) States that no vehicle repair work will be performed at Grimm's residence and no vehicles will be kept on the property for spare parts.
- 3) Describes the restrictions on storage of hazardous materials in the work trailer.
- 4) Prohibits storage of hazardous materials on the property separate from the work trailer.
- 5) Requires that hazardous wastes stored in the trailer be delivered to a permitted, licensed, or registered disposal or collection facility within 10 days of receiving it.
- 6) Requires an initial inspection and annual inspections of the work trailer. PLUC Members modified the wording to state that the initial inspection must occur before commencement of any business activities associated with this permit so that Grimm may obtain approval of the Conditional Use Permit which is required for him to get a small business loan to purchase the trailer. PLUC Members also added that a certificate of inspection of the fire suppression equipment shall be submitted with each renewal application.
- 7) Requires Grimm's mother, Deena Foltz, to sign the CUP application since she is the lessee on Lot 441.
- 8) Requires applicant to assume full responsibility for accidents that result from the operation of the business. PLUC Members agreed to require that Grimm submit a certificate of liability insurance to the Town before commencement of any business activities associated with this permit.
- 9) Pertains to lease agreement with owners of Lot 441. PLUC Members decided to delete this requirement since it is between the property owners and the lessee.
- 10) Requires Grimm to remove all hazardous and flammable material from the property upon vacating.
- 11) Requires Grimm to remove all hazardous liquids drained from vehicles on Castle Valley properties and to store, recycle, and/or dispose of them as described in Conditions 3, 4, and 5.
- 12) PLUC Members added a condition to prohibit welding activity as a part of this business activity.

Rau motioned to recommend to the Town Council approval of this conditional use permit with conditions as amended to his application. Hawkins seconded the Motion. Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

Fitzburgh informed Grimm that the Town Council will consider his application at their next Meeting on October 16, 2013, at 6:30 P.M.

UNFINISHED BUSINESS

8. Discussion and Possible Action re: establishing written rules of procedures for PLUC Meetings.

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

9. Discussion and possible action re: amendments to Ordinance 2006-3: An Ordinance Establishing the Planning and Land Use Commission and Designating Land Use And Appeal Authorities.

PLUC Members reviewed amendments suggested by Roth and Fitzburgh to Ordinance 2006-3 to bring the document into accordance with changes in Utah's Open and Public Meetings Act and Government Records Access and Management Act. Language in the Ordinance was changed to: (1) allow accommodation to future legislation regarding public access of documents and retention schedules for documents without rewriting the Ordinance; (2) clarify voting procedures to allow action with a majority vote of those Members present without considering any vacancy; (3) apply a consistent format for references to the Utah Code; and (4) correct some minor grammatical errors.

Hawkins motioned to recommend approval as amended. Rau seconded the Motion. Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

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

Rau motioned to untable Item 10. Hawkins seconded the Motion. Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

PLUC Members reviewed and edited the latest draft of The General Plan. Language provided by Cameron will be used in the Section on Housing and Waste Water Disposal Systems. Other comments received from Road Manager Greg Halliday, Water Agent John Groo, and Mayor Dave Erley were discussed. Fitzburgh will prepare a revised draft for the next PLUC Meeting which will include the corrections, modifications, and deletions decided upon at this Meeting.

Fitzburgh suggested the following timeline for the General Plan: approve a final draft at the November 2013 PLUC Meeting; hold a Public Hearing and approve a recommendation to the Town Council at the December 2013 PLUC Meeting;

Hawkins motioned to retable Item 10. Rau seconded the Motion. Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

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

Left tabled.

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

Left tabled.

13. Closed Meeting (if needed).

None.

ADJOURNMENT

Rau motioned to adjourn the Meeting. Hawkins seconded the Motion. Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

Fitzburgh adjourned the Meeting at 9:16 P.M.

APPROVED