

MINUTES
PUBLIC HEARING BY THE PLANNING AND LAND USE COMMISSION OF THE TOWN OF CASTLE VALLEY
ON PROPOSED AMENDMENTS TO RESOLUTION 2013-1: A RESOLUTION TO ADOPT A PERMIT
APPLICATION AND FEE SCHEDULE
and
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, January 10, 2018
Time: 6:30 PM
Place: #2 CV Drive, Castle Valley Community Center

Present: Ryan Anderson, Mary Beth Fitzburgh, Marie Hawkins, Bill Rau, Colleen Thompson
Absent: None.
Others Present: Jazmine Duncan
Clerk/Recorder: Faylene Roth

CALL TO ORDER

Rau called to order the Public Hearing on Proposed Amendments to Resolution 2013-1: A Resolution to Adopt a Permit Application and Fee Schedule and the Regular Meeting of the Planning and Land Use Commission (PLUC) on Wednesday, January 10, 2018, at 6:31 P.M.

1. Discussion and possible action re: annual election of chair and vice-chair.

Rau welcomed new member Colleen Thompson to the PLUC. Rau offered to serve as Chair for one more year..

Fitzburgh nominated Rau as PLUC Chair. Hawkins seconded the Motion. Anderson, Fitzburgh, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

Anderson nominated Thompson as Vice-Chair of the PLUC. Fitzburgh seconded the Motion. Anderson, Fitzburgh, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO RESOLUTION 2013-1: A RESOLUTION TO ADOPT A PERMIT APPLICATION AND FEE SCHEDULE

1. Call to Order of Public Hearing on proposed amendments to Resolution 2013-1: A Resolution to Adopt a Permit Application and Fee Schedule at 6:33 P.M.

2. Open Public Comment - None.

3. Adjournment of Public Hearing.

Fitzburgh moved to adjourn the Public Hearing. Anderson seconded the Motion. Anderson, Fitzburgh, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

Rau adjourned the Public Hearing at 6:34 P.M.

REGULAR MEETING - continued

1. Open Public Comment - None.

2. Approval of minutes.

Regular Meeting of December 6, 2017.

Roth noted a change suggested by Thompson prior to the Meeting which she redlined on the Pending Minutes included in the PLUC binders. The suggested change is to delete the phrase "Rau adjourned the Public Hearing at 6:38 P.M." at the end of Item 2 of the Regular Meeting. Roth said she has made the deletion of the final copy.

Fitzburgh moved to approve the Minutes as presented and corrected in the copy provided. Hawkins seconded the Motion. Anderson, Fitzburgh, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

3. Reports.

Correspondence – None.

Town Council (TC) Meeting – Fitzburgh.

Fitzburgh reported that the TC approved the PLUC recommendations to adopt proposed amendments to Ordinances 85-3 and 2006-3 as presented at their December Meeting. She said that some changes had been added since the PLUC Meeting based on suggestions from the Town's Attorney to deal with duplications between ordinances that could create mistakes when future amendments are made. Fitzburgh also reported that the Town Council plans to send a letter to lot owners with multiple temporary dwellings (RVs or camp trailers) to explain the rules regarding single dwellings and request compliance by removing or storing the second RV/camp trailer and to notify property owners that penalty fees may be assessed. Former Mayor Erley is drafting a letter to turn over to Mayor Duncan.

Permit Agent – Interim Permit Agent - Roth

- **Permit Activity.**

The Building Permit Report showed a nonroutine solar permit approved by the PLUC at its last Meeting and a Septic Permit for Lot 55.

- **Updates on Recent Applications.**

Roth reported that a routine-CUP for Lot 54 has been received and is ready for approval later this week. She also said that a nonroutine building permit modification application on Lot 55 is likely to be presented at the next PLUC Meeting as well as a nonroutine building permit application with a variance on Lot 298. In addition, Roth reported that one of the owners of Lot 151 presented initial plans for a building permit for an addition to a noncomplying structure which was built to previous setbacks which are less than the current setbacks. She said they discussed the following options: redesign of the addition, a lot line adjustment, or a variance request. No decision was made.

Roth asked the PLUC Members for clarification of the procedure for the Building Permit Agent (BPA) to follow when a proposed project is not allowed by the Land Use Ordinance. It was explained that the Town Council is the land use authority for noncomplying structures with recommendation from the PLUC. The BPA's role is to discuss possibilities with the property owner and to steer the applicant to the proper authority. In this situation, the next step could be submitting redesigned plans or a lot line adjustment to remove the noncompliance to the PLUC for recommendation to the TC. Another option would be submitting a variance request to the Town Clerk.

PLUC Members discussed whether public hearings are required for boundary changes and lot line adjustments. Roth will inquire about this with the Utah Property Rights Ombudsman office.

Further discussion continued about the need for public hearings for variance requests. They requested that Roth add this discussion to next month's Agenda.

Procedural Matters.

Roth announced that copies of the revised versions of Ordinances 85-3 and 2006-3 have been added to the back of their binders. She suggested reformatting Ordinance 85-3 to begin each chapter or section on a new page. She said this would reduce copying expense to just those pages that were affected by new amendments. PLUC Member agreed to try this with the next revision.

Fitzburgh asked to meet with Rau, Roth, and Hafey to review what changes to land use ordinances, permits, and the building permit information sheet should be considered over the next year. Some of the issues listed were updates to Ordinance 95-6, conditional use permit procedures, and identifying use for each room in building plans. Rau added mapping out a plan for addressing the General Plan review over the next year to allow sufficient time to prepare, circulate, and analyze a survey in order to rewrite and publish it on schedule. Mayor Duncan wants to increase public input. It was noted that the 5-year review for the general plan was a flexible guideline and that there is no requirement to change it. Changing demographics to second-home owners and an aging population were mentioned and the potential conflicts with maintaining an active agriculture and livestock culture.



NEW BUSINESS

4. Discussions and possible action re: amendments to Resolution 2013-1: A Resolution to Adopt a Permit Application and Fee Schedule1.

Fitzburgh guided PLUC Members through the proposed amendments to Resolution 2013-1. The phrase “zoning requirement” was changed to “Land Use Regulations” throughout the document. The changes that relate to formatting, spelling, and grammar are not detailed here.

She referred to an introductory paragraph added to the Fee Schedule that would allow the Town to charge additional fees, as calculated by state law, when an outside professional service was deemed necessary to complete the plan review for a building permit application as described in Item 1. According to Fitzburgh, State code limits plan review fees to 65% of the building permit fee. The paragraph continues to refer to section 9.2 of Ordinance 85-3 which requires that any other costs incurred in hiring a professional beyond the plan review to be subject to a \$500.00 deposit from the applicant.

PLUC Members agreed to change the second sentence to read: “Additional (add “incurred”) costs (delete “that incur”) that exceed the Fees listed below are calculated per review of the submitted Application and are collected as part of the Total Application Fee.” Fitzburgh said that the “Additional incurred costs that exceed the Fees listed below” do not include those listed in Item 2 for outside professional services to complete the basic plan review.

In Item 5 the phrase “CV zoning requirements” was changed to “Town Land Use Regulations.”

Item 6, sentence 2, was changed to read “The CV septic application (add “form”) must be completed (add “and approved by the Town...”) before a septic system is installed.” In sentence 3 “the GC Permit” at the end of the sentence was spelled out to “Grand County Building Permit Application.”

PLUC Members agreed to retain the supplemental information regarding septic application procedure at the suggestion of Roth, the former Building Permit Agent. Roth said she thought it was a good opportunity to remind potential applicants of the sequencing of the septic permit process.

In Item 9, the phrase “if required” was added at the end because State code states that some home-based businesses cannot be charged for a business license. The nonroutine CUP fee was increased because it takes more time and could include inspections.

In Item 10 the modifier “Required” was added to Business License Renewal to align it with changes in State code as referred to above.

According to Fitzburgh the variance and appeal fees cover the actual costs for the appeals officer plus a \$50.00 processing fee as suggested by the Town’s attorney. She noted there had been no fees when the Board of Adjustments, staffed by volunteers, provided this service.

The asterisks in Items 1c, 5, 7, 9, and 12 were deleted. In #5 the phrase was put in parentheses. In #7 the * was replaced with “\$” and the note referenced by the * in 12 was moved to Item 12 and formatted to align with the other items.

Fitzburgh explained that Item 14, Land Use Violation offenses are established here as described in Ordinance 85-3, Section 9.3.B which states that civil penalties shall be specified and adopted “as established by resolution.”

Hawkins inquired about increasing fees for Temporary Dwelling Permits. Roth said that site visits (drainage reviews) have increased the costs for approval. Fitzburgh noted that renewal fees did not increase. She said that State Code requires that fees cover the cost of processing. Hawkins asked whether TDP renewals were tied to construction time or were open-ended. Fitzburgh suggested looking it Ordinance 85-3 to determine what it says about renewals.

PLUC Members reviewed the Town’s method of establishing fees by having the Building Permit Agent submit periodic reports that indicate the average costs for each type of permit. Fitzburgh said that the annual budget provides information on income from permits.

Roth suggested that the new solar energy system permits be observed over the next year to see how much time is required for their review. She thought the new permit forms for routine and nonroutine systems might streamline these applications.

Thompson offered to assist with formatting of this and future documents.

Fitzburgh moved to approve recommendation to the Town Council of Resolution 2013-1 as presented and amended tonight. Hawkins seconded the Motion. Anderson, Fitzburgh, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

UNFINISHED BUSINESS

- 5. Discussion re: reviewing the process for a variance waiver (tabled).
- 6. Discussion re: storage of fuels and hazardous materials within the Town (tabled).
- 7. Discussion re: future amendments to Ordinance 85-3 (tabled).

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

Rau said that he wanted to ensure that work continues this year on previous issues, such as septic system regulation to protect water quality, short-term rentals, federal requirements on group home regulations, etc. Rau will consult Harry Holland, former PLUC Member who had begun research on septic regulations, about any new ideas he had to suggest.

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

8. Closed Meeting – None.

ADJOURNMENT

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

Rau adjourned the Meeting at 8:04 P.M.

APPROVED:

ATTESTED:

Bill Rau, Chairperson

Date

Faylene Roth, PLUC Clerk

Date

