

MINUTES
REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION

Date: Wednesday, December 5, 2012

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Laura Cameron, Mary Beth Fitzburgh, Marie Hawkins

Absent: None

Others Present: Jeff Fink, Bill Rau

CALL TO ORDER: 7:03 P.M.

1. Open Public Comment.

None.

APPROVAL OF MINUTES

2. Regular Meeting November 7, 2012.

After correcting a spelling error in the last line of Item 3, Marie motioned to approve the Minutes of November 7, 2012, as amended. Laura seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

CORRESPONDENCE

Mary Beth reviewed an email she had received from Jeff Johnston, Roads Committee Chair, regarding some issues under consideration by the Roads Committee that will be routed through the PLUC and the Town Council as they develop. He indicated that the Roads Committee is considering introducing a road easement form that would regulate work done within the road easements and that they would also like to address problems that have arisen with the watershed ordinance. PLUC Members were unsure of his reference to the watershed ordinance but felt that it may have been directed to problems that have occurred around drainage issues. Several Members expressed awareness of recent drainage issues that have resulted from earth movement and driveway construction on private lots. The PLUC will wait for further input from the Roads Committee.

Mary Beth will present additional information regarding Roads Committee concerns in her report from the last Town Council Meeting.

REPORTS

3. Town Council Meeting – Chair.

Mary Beth reported that the Roads Committee had expressed their concerns about damage to Town roads resulting from heavy equipment travel related to new home construction, as well as excavation work done within road easements and drainage problems on private lots after driveway construction. The Roads Committee is considering improving the scope of the current Drainage Review and introducing a permit for work done within road easements.

Mary Beth also reported that Item 7 under New Business was introduced at the last Town Council Meeting.

4. Building Permit Agent.

Faylene reported that she had developed an application form for solar permits which provides details on the size and capacity of solar installations. The Building Permit Report displays this information. Laura asked whether statistics were available for all the solar installations visible along Castle Valley Drive. According to Faylene, the information would be available but the Town database will first need to be brought up to date by entering previously issued permits.

Laura also questioned whether a well recently drilled on property at the corner of Pope and Castle Valley Drive was within the required setbacks. Faylene and Mary Beth will check on this.

5. Procedural Matters.

Faylene informed PLUC Members that the PLUC Meeting Schedule for 2013 was included in their binders. She reported that the Meeting Schedule has been publicly posted on the bulletin boards and in the Times-Independent.

NEW BUSINESS

6. Discussion and possible action re: approval of CUP and Business License Renewals for 2012.

Faylene reported that thirty-four (34) renewal requests for conditional use permits for next year have been received and that twenty-two (22) business licenses have been requested. Three CUPs from last year were not renewed. Five (5) new CUPs were issued in 2012, two (2) of which were reinstatements of lapsed permits.

The new form distinguishes between routine and nonroutine CUPS for permits issued since the routine category was initiated. In the current Report, a nonroutine CUP is identified by a check mark. PLUC Members decided the information would be better represented if routine CUPs were identified. All others would then be nonroutine. For the current report Faylene will ensure that the nonroutine designations are correctly shown. Next year's Report will be modified to identify the routine CUPs.

PLUC Members discussed whether business licenses were required for all CUP-approved business activities and whether the Town should require a copy of a business license that is obtained through the City of Moab, Grand County, or the State of Utah. Members decided to reconsider this suggestion at a later date.

Laura motioned to recommend renewal of the Conditional Use Permits and Business Licenses as presented. Marie seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

After making the abovementioned corrections, Faylene will submit the CUP and Business License Reports to the Town Council.

7. Discussion and possible action re: Amending Town Ordinance to allow for the collection of fees and/or penalties for violating Town ordinances.

Mary Beth reported that Mayor Erley has asked the PLUC to ensure that language regarding the collection of fees and/or penalties for violating Town ordinances is consistent throughout the Town's land-use ordinances. Ordinance 85-3, Section 9.2.B, states, "At the direction of the Town Council an action may be brought in the name of the Town to enjoin a violation of this land use ordinance, to require compliance therewith and to recover costs of all such actions including court costs and reasonable fees to reimburse the Town for the services of legal counsel and other necessary witnesses." Mayor Erley has asked the Town Attorney to advise whether this language is adequate. If so, the PLUC will be asked to insert this language into all land-use ordinances. Marie suggested changing the language to read, "...to recover all costs of such actions including—*but not limited to...*"

The PLUC will wait for a response from the Attorney before further action.

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

UNFINISHED BUSINESS

8. Discussion and possible action re: ordinance interpretation related to uses regarding an agricultural use.

Mary Beth summarized information sent earlier to PLUC Members by email regarding Utah requirements for composting businesses. She reported that according to State Rule R315-312 **Recycling and Composting Facility Standards**, a compost site must be situated 500 feet from any permanent residence, school, hospital, institution, office building, restaurant, or church, which precludes locating a composting business on a five-acre lot in Castle Valley, unless someone owned several adjacent lots.

According to Mary Beth, the State setback restrictions do not apply to composting in "containers, tanks, and vessels". She asked Faylene to send an email to Rebecca Martin informing her of this exception and suggesting that she contact the State for more information if interested. If she decides to pursue this venture, she would still need a determination from the Town of whether this can be considered an agricultural use as well as approval from the State.

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

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

Laura reported that she and Faylene had met with Jeff Fink several times regarding how to record the statistical data from the General Plan Survey. She said that Jeff had determined that a database provided the most efficient way to record the data.

Jeff presented the database layout on a computer for all Members and others in attendance to view. He is now ready to enter data. He plans to begin with the most recently received batch of surveys because they seem to present the greatest challenge in entering data based on written comments. Faylene will send email addresses of PLUC Members to Jeff so that he can update the PLUC on the progression of the data entry. It was agreed to adhere to the January 31, 2013, date for completion of data entry. Two additional surveys had been received and were given to Jeff for data entry.

PLUC Members presented the possibility of compensation to Jeff for his work. Mary Beth will look at the budget and determine what is available.

Discussion of what kind of reports to run was deferred to the February 6, 2013, PLUC Meeting.

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

10. Discussion and possible action re: formal initiation of amendments to 85-3 prohibiting the following for home and premises occupations: motor vehicle, trailer or boat repair shops; auto body and/or fender repair shops; manufacture, assembly or repair of heavy equipment, major appliances, engines or motors; junk yards; and mortuaries or crematoriums.

Mary Beth noted that the six-month period for consideration of this item expires in March 2013. She suggested holding a Public Hearing at the March 6, 2013, PLUC Meeting and then referring a recommendation to the Town Council.

Mary Beth referred to the information that she sent to PLUC Members by email regarding a conditional use permit for a home occupation approved by the North Ogden, Utah, Planning Commission for an auto repair shop in a residentially zoned neighborhood. She observed that many of the same concerns expressed by Castle Valley residents were heard and considered by the North Ogden Planning Commission. Their decision, she said, was thoroughly reviewed by their city planner and attorney (as shown in their minutes) whose advice was that it was legal to approve the conditional use permit for an auto repair shop if conditions could be set to mitigate the negative impacts. This seems to show that the Town has the right to approve a conditional use permit for an auto repair shop depending on whether community concerns can be mitigated.

The Town also has the legal right to prohibit such businesses outright in our ordinances. The biggest question still to be answered is whether noise from such a business can ever be truly mitigated according to the standards set in 85-3 and to take into account the concerns of neighboring residents who bought property expecting a residential neighborhood without auto repair shops close by.

Conditions imposed by the North Ogden Planning Commission included: an insulated shop and the closure of windows and doors when noise was being generated; no more than two vehicles for repair at a time (shop had 2 bays); and the garage had to be ventilated according to OSHA guidelines. The applicant also agreed to limit repairs to the following: welding and repairs on light automobiles, trailers, snowmobiles, ATVs, tent poles, etc.; repairs on brakes, water pumps, hoses, belts, oil leaks, timing belts, engine performance problems; will not tear engines out or do auto body repair or painting.

Mary Beth will invite David Rhoads and residents from surrounding lots to the January 9, 2013, PLUC Meeting to begin discussions about the types of repairs Rhoads would like to do and to hear the concerns of neighbors.

Impacts to mitigate brought up by PLUC Members included noise from a welder, an air compressor, and revving of engines, as well as disposal of hazardous waste materials. Mary Beth will check with auto repair shops in Moab, as well as the Castle Valley Roads Department and the Castle Valley Fire Department to determine how they handle disposal of hazardous waste

and storage of fuel for vehicles. Conditions imposed by the Castle Valley Planning and Land Use Commission for similar activities will also be reviewed.

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

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

ADJOURNMENT: 8:34 P.M.

APPROVED:

ATTESTED:

Mary Beth Fitzburgh, Chairperson **Date**

Alison Fuller, Town Clerk **Date**