

MINUTES  
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, February 4, 2015  
Time: 6:30 PM  
Place: #2 CV Drive, Castle Valley Community Center

Present: Jocelyn Buck, Mary Beth Fitzburgh, Jen Goff, Bill Rau  
Absent: Marie Hawkins  
Others Present: None  
Clerk/Recorder: Faylene Roth

1. **CALL TO ORDER.**

Rau called the Regular Meeting of the Planning and Land Use Commission (PLUC) to Order at 6:34 P.M.

**Open Public Comment** - None.

2. **Approval of Minutes.**

Regular Meeting and Public Hearings of January 7, 2015.

Fitzburgh moved to approve the Minutes of January 7, 2015, as presented. Goff seconded the Motion. Buck, Fitzburgh, Goff, and Rau approved the Motion. The Motion passed unanimously.

3. **Reports.**

**Correspondence.**

Rau referred to Roth's email suggesting that the PLUC ask Michael Bryant, Regional Planner with the Southeastern Utah Association of Local Governments, if he would be interested in serving as the Town's appeal authority. Roth reported that she had replied to him to thank him for his correspondence and offer to assist the PLUC with land-use issues but did not mention the appeal authority.

**Town Council Meeting – Chair.**

Fitzburgh reported she had informed the Town Council at its last Meeting of the communication from Michael Bryant and had reported that Roth would send him a reply. PLUC Members decided to suggest to the Town Council that they contact Bryant after approval of the proposed changes to the Ordinances with a request for his qualifications if he is interested in this position.

Fitzburgh also reported that John Groo, Water Agent, is currently gathering data for the upcoming water study and putting it into the permanent database so that it can be exported for use in the water study. According to Fitzburgh, Council Member Duncan asked Groo to write a report for the Hazard Mitigation Committee regarding water contamination as a potential hazard for the Town. Fitzburgh said that Groo had suggested that wells have a protection zone within a certain number of feet to protect individual wells from contamination. She said that a protection zone might restrict the location of livestock or other potentially hazardous materials from being dumped on a lot.

Fitzburgh relayed information about a letter the Town Council is drafting to address issues with Frontier Communications about its responsibilities to provide emergency services

during a power outage. Before making a complaint to the Public Utilities Commission, the Town plans to first ask Frontier to coordinate better with Rocky Mountain Power to ensure that Castle Valley residents have adequate access to emergency services and updates during power outages.

Rau requested that Fitzburgh include periodic updates on the water study as it progresses.

Fitzburgh reported that the Town Council will hold public hearings on the proposed amendment changes to Ordinances 85-3 and 2006-3 at their next Meeting.

#### **Hazard Mitigation Committee – Rau – None.**

#### **Permit Agent.**

Roth submitted a Building Permit Report for January 2015 showing one building permit issued for a residence on Lot 155 (Buchanan) and a Conditional Use Permit Report for January 2015 showing two Routine-Conditional Use Permits issued for home businesses on Lots 153 (Buchanan) and 178 (Shafer).

Roth also presented a copy of proposed amendments to Utah Code in HB61 regarding the issuance of business licenses by municipalities. The proposed changes prohibit a municipality from requiring a business license to any low-impact business that operates entirely within the business owner's residence unless the business has an employee, uses hazardous materials, is a child care or pre-school facility, or requires a license in order to operate. She asked that PLUC Members retain the document in their binders and await further action from the State Legislature.

Rau noted another bill (HB224) presented in the State Legislature regarding proposed changes in Utah's honey bee law which would prohibit localities from adopting their own ordinances relating to honey bees.

#### **Procedural Matters.**

Fitzburgh confirmed with Buck that she had received all necessary documents for her PLUC binder and orientation as a new member. Buck will check with the Town Clerk to obtain a Town e-mail address.

### **NEW BUSINESS**

#### **4. Discussion re: issues surrounding the use of drones within the Town boundary.**

Rau said he had asked to have this discussion because a reality television show had requested to run a 45-foot recreational vehicle down Castle Valley Drive and use a drone to film it from above. He reported that the Town Clerk had consulted an attorney who advised that the Town's restriction of commercial activity could be applied to this request in order to prohibit it.

Rau posed some questions about the use of drones in Castle Valley, such as privacy issues, ability to control air space, and whether Ordinance 2004-4 would apply to drones.

Fitzburgh stated that Ordinance 2004-4 is not a land-use ordinance and therefore not for the PLUC to amend, but they could make a request to the Town Council to address the use of drones in this ordinance. She noted that Ordinance 2004-4 was written in response to concerns with a ultra-light business that had been operating at the Day Star Academy. She suggested talking with Bob Lippmann who was involved with writing of the Ordinance.

Buck reported that a drone has been seen in the Valley and noted also that realtors in some places are using drones to film property for promotional videos.

Rau reported that last year Utah passed a law that prohibits the use of drones by law enforcement agents and departments of government to collect data on citizens unless a search warrant has been obtained. Although, he said, the law allows non-government actors to collect data and transmit it to law enforcement if a possible crime or imminent danger is involved. Fitzburgh observed that the State law also prohibits the use of drones in search and rescue missions. She suggested that Castle Valley could add language to Ordinance 85-3 that would restrict any commercial use of drones within the Town.

Rau will consult with Lippmann before the next Meeting.  
Fitzburgh will draft an amendment to Ordinance 85-3 prohibiting commercial use of drones for the PLUC to consider at a later date.

Fitzburgh moved to table discussion of Item 4. Goff seconded the Motion. Buck, Fitzburgh, Goff, and Rau approved the Motion. The Motion passed unanimously.

**UNFINISHED BUSINESS**

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

None.

**6. Closed Meeting (if needed).**

None.

**ADJOURNMENT**

Fitzburgh moved to adjourn. Goff seconded the Motion. Buck, Fitzburgh, Goff, and Rau approved the Motion. The Motion passed unanimously.

Rau adjourned the Meeting at 7:12 P.M.

**APPROVED:**

**ATTESTED:**

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**Bill Rau, Chairperson**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Faylene Roth, PLUC Clerk**

\_\_\_\_\_  
**Date**