



MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, March 2, 2016

Time: 6:30 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Mary Beth Fitzburgh, David Harris, Marie Hawkins, Bill Rau

Absent: Jocelyn Buck

Others Present: Jack Campbell, Dave Erley, Greg Halliday, Bob O'Brien

Clerk/Recorder: Faylene Roth

CALL TO ORDER

Rau called the Regular Meeting of the Planning and Land Use Commission (PLUC) to Order at 6:30 P.M.

1. Open Public Comment.

Campbell complimented Castle Valley officials, after reading House Bill 132, for its higher standards of clarity in writing its ordinances.

2. Approval of minutes.

Regular Meeting of February 3, 2016.

Harris moved to approve the Minutes of February 3, 2016, as written. Fitzburgh seconded the Motion. Fitzburgh, Harris, and Rau approved the Motion. Hawkins abstained. The Motion passed with three in favor and one abstention.

3. Reports.

Correspondence. – None.

Town Council Meeting – Fitzburgh.

Fitzburgh reported that the Town Council (TC) is planning to send a letter to new property owners regarding the need for approved sewage handling on lots that have yurts or alternative dwellings. She said that Mayor Erley and Roth are working together on this. Rau expressed his support for the Town finding ways to keep in touch with new property owners. Fitzburgh also reported that the TC approved the Conditional Use Permit (CUP) on Lot 186 with one modification to the conditions recommended by the PLUC. The TC changed the number of deliveries allowed per week from three (3) to five (5).

According to Fitzburgh, the TC also approved the new fee schedule which should now be on the Town website.

Fitzburgh also reported that the TC discussed possible conditions for clean-up day and the proposed radio tower on Bureau of Land Management (BLM) property across the valley. Erley confirmed that the tower would be for internet service only; it would not serve as a cell phone tower. He also announced an upcoming Utah Department of Transportation (UDOT) meeting in Monticello that would allow comments from the Town regarding issues related to Highway 128, as well as any other state highway. He asked that comments or concerns be relayed to him.



Fitzburgh asked Roth to check in with Orion Rogers, State Sanitarian, regarding the results of ongoing tests with alternative sewage handling projects. Fitzburgh reported that Rogers wants to restrict the use of alternative sewage handling systems to specific situations that are not suitable for traditional septic systems. She asked Roth to confirm with Rogers who can use these systems.

Permit Agent.

Roth reported that the only permit activity for February 2016 was the Town Council approval of the nonroutine Conditional Use Permit on Lot 186 (Shafer). She also noted that a Certificate of Land Use Compliance was approved on March 1, 2016, for a chicken house on Lot 415 (Cliffview). It will be included in the March report.

Procedural Matters.

Roth announced that the Town was hosting a March 15, 2016, presentation of the water study. Mayor Erley responded that the meeting may be delayed due to a conflict with fire department training.

NEW BUSINESS

4. Discussion re: Utah House Bill 0132 (pending) regarding business licenses.

Rau directed PLUC Members to Line 130 which states that a “municipality may not charge a license fee for a home based business unless the combined offsite impact of the home based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone...”

Fitzburgh noted that this change would only affect business licenses and would not affect conditional use permit approvals. She also reported that there are many towns and cities that do not require conditional use permits.

Roth stated that the Utah League of Cities and Towns opposes this legislation.

UNFINISHED BUSINESS

5. Discussion and possible action re: comments to Grand County Planning Commission on the Resource Management Plan.

Fitzburgh provided a draft letter for the Town’s response to the Grand County Planning Commission regarding its development of the County’s proposed Resource Management Plan (RMP). She said that she had included O’Brien’s recommendation that the federal agencies currently managing the Town’s watershed lands (Forest Service and BLM) be allowed to continue management of the watershed in the event that the land was transferred to the State. She noted that the Town’s watershed received its sole-source water designation because it is managed by federal agencies. She was not sure if this would change if ownership of the land changed to the State..

O’Brien reported that he had attended a meeting sponsored by the Southeast Utah Association of Local Governments with representatives from Emery County, San Juan County, Zacharia Levine from Grand County, and a person who has been hired to put data together for all these counties to use in developing their RMPs. He said that Levine had provided a matrix with all 27 points to be covered by the RMP matched with where these points have already been covered by plans that have already been done within the County. O’Brien noted that there is a bill currently before the State legislature that would delay the due date for the RMPS to May 2017 and the final completion date to June 2017. PLUC Members and TC Members present decided to proceed with the current PLUC recommendations to the Town Council as though the bill has not passed.



Erley reported that the State has disconnected consideration of air quality from the RMPs. Fitzburgh will revise the draft to state that the Town is writing now about its primary concern regarding its watershed but wants to retain the right to present other concerns at a later date. O'Brien suggested that later comments could support the BLM's decision for no surface occupancy in the land above Castle Valley.

Hawkins questioned whether the transfer of federal lands to the State would ever happen. O'Brien replied that the County needs to go through the RMP process regardless. Erley stated that he viewed the RMP process as a public forum that offers the chance to express the Town's priorities and to put on record its success in working with federal agencies.

Rau agreed with this approach and noted that the Town should use this opportunity to develop useful models for future efforts. He would also like to include the effects of the Book Cliffs Highway on Castle Valley, Highway 128, and the entire County in any future comments that are made.

Discussion followed about local studies that should be referenced in the RMP recommendations, such as the United States Geological Service (USGS) study, the unconfined aquifer study, the Hazard Mitigation Plan, and others. It was agreed that Fitzburgh would revise the letter as described above and that the TC could decide at its Meeting which studies to include.

Fitzburgh will send her revisions to the TC and will cc PLUC Members with the final revision.

6. Discussion re: future amendments to Ordinance 85-3 (tabled).

Left tabled.

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

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

Fitzburgh reviewed the draft of proposed amendments to Ordinance 85-3 regarding solar panels. She noted that she had removed any references to solar hot water structures because these systems are so different from solar electric panels. She also said that Kevin Hansen, American Solar Power contractor, had said that they are being phased out in favor of solar electric panels that would support electric hot water heaters.

Fitzburgh referred PLUC Members to the added definitions to Section 1.6 and the added Section 4.15 describing Solar Energy Systems. She said that Kevin Hansen had said that most ground-mounted systems could be constructed under nine (9) feet but advised that a fifteen (15) foot maximum would allow for safety considerations for children and livestock. It was noted that fencing could also be used.

Fitzburgh suggested that they might want to add a maximum kilowatt size to Item 4. Hansen had suggested that 4-5 kW would be adequate for most home usage with 8 kW as a maximum limit. Harris agreed, noting that Grand County building code requires a 100-amp minimum for residences. He also noted that 8 kW is equivalent to 60 amps and said that 4-5 kW of solar power generation would cover most residential needs. It was confirmed that the Grand County Building Department inspects solar installations to ensure adequate structural support for the mounts and for the electrical connection.

Fitzburgh directed PLUC Members to Item 7 which limits height limitations for roof-mounted systems to one (1) foot above the roof line unless the pitch is 3:12 or less in which case up to two (2) feet is permitted. Item 7 also prohibits any portion of a roof mount installation from projecting above the maximum projection line drawn above the ridge line.



Fitzburgh observed that the ordinance could allow for routine and nonroutine approvals which would allow applicants to apply for larger systems through a CUP so that the Town could require mitigations as needed.

Other comments from Fitzburgh's conversation with Hansen were that distance of panels from the home does not affect efficiency, setback minimums of 30 feet might restrict solar access on some lots, and that panels need a 10 degree slope which is equivalent to a 2:12 pitch.

Campbell referred to glare issues that have caused concerns within the Town in the past, such as metal roofs. He requested that Hansen be asked about any improvements in reduction of reflectivity off the surface of solar panels. Harris reiterated that incident reflective glare from solar panels is transient and may only occur twice a year.

Harris commented that too much regulation regarding calculating maximum angles could become onerous to property owners. He suggested that solar contractors might be able to make a recommendation of the likelihood of impact of glare or other concerns upon neighbors.

PLUC Members discussed how regulations would affect property owners and what their concerns might be, such as adjustable mounts and how that would affect height, considerations regarding storage and disposal of batteries, higher requirements for properties in the upper 80 section, and allowing heights to match the 25 foot allowance for buildings.

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

8. Closed Meeting (if needed). – None.

ADJOURNMENT

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

Rau adjourned the Meeting at 8:10 P.M.

APPROVED:

ATTESTED:

Bill Rau, Chairperson

Date

Faylene Roth, PLUC Clerk

Date