

MINUTES  
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, June 6, 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:  
Others Present: Jocelyn Buck, Bob O'Brien, Jack Campbell, Jazmine Duncan, Susan Roche, Leta Vaughn

**CALL TO ORDER REGULAR MEETING**

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

**1. Open Public Comment.**

Rau expressed thanks to Fitzburgh for the incredible service she has contributed to the Town during her ten-plus years on the Planning and Land Use Commission. Her term expires at the end of this month. He remarked that everyone is impressed with the amount of thought and thoroughness that has gone into her work for the Town. He said she is "one of a kind" and will be missed. He presented a card to her signed by Town and PLUC officers to thank her for her time and service.

Buck thanked Fitzburgh for all the work and tireless energy she has given to the Town and thanked her for helping with countless problems that have come up in her job and wished her the best in what comes next.

Roche related the story Fitzburgh had told her about how the support and comfort from the people of Castle Valley had touched her deeply after her and Vaughn's house had been destroyed by fire and how that had deepened her desire to give back to the community and keep that circle going. Roche expressed her gratefulness to Fitzburgh and noted the inspiration she has provided through her authenticity, "MaryBethness," steadfastness, persevere-ness, graceful devotion to the job at hand, magical mind to keep the big picture in sight while mastering the complex details within, respectfulness, generosity, personal twinkle, and open heartedness. She concluded by reading a few lines from a poem by Elaine Sutton.

Vaughn expressed her thanks to Fitzburgh for all she has done but was glad she would not be continuing for the next ten years. She confirmed the countless hours Fitzburgh has poured into this job.

Roth echoed the gratitude expressed by others and added that the past ten years have been a deep source of joy for her in her role as PLUC Clerk and Building Permit Agent as she and Fitzburgh worked through the challenges presented by the job. She thanked Fitzburgh for sharing her knowledge and understanding of the process.

Hawkins told Fitzburgh she would be missed a lot by all of them.

Fitzburgh said her time on the PLUC has been a labor of love and she has appreciated everyone: all the experience from Hawkins' many years on the PLUC, Roth for her hard work, service, and friendship, Vaughn for being there at 3:00 A.M. when she needed to bounce around new ideas, Buck for being Town Clerk, Duncan for stepping up as mayor, O'Brien for his service, and Thompson for tackling future typos.

Rau reported that this Meeting marks three terms of service for Hawkins and thanked her for decision to continue to serve on the PLUC.

**2. Approval of Minutes.**

**Regular Meeting of May 2, 2018.**


Thompson moved to adopt the Minutes of May 2, 2018, as presented. Fitzburgh seconded the Motion. Anderson, Fitzburgh, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

**3. Reports.**

**Correspondence** – None.

**Town Council Meeting** – Fitzburgh.

Fitzburgh reported that the Town Council (TC) approved the Non-Routine Solar Application for Lot 431 that the PLUC had recommended they approve. She said she will attend the next TC Meeting to follow through



on proposed amendments to Ordinance 85-3. Thompson volunteered to attend future TC Meetings and report back to the PLUC.

**Permit Agent – Interim Permit Agent - Roth**

**- Permit Activity.**

Roth's report showed permits issued for two sheds and the solar permit on Lot 431. She also approved a Temporary Dwelling Permit Renewal that took effect on June 1, 2018, which will show on next month's report.

**- Updates on Recent Applications.**

Roth reported that a Certificate of Occupancy on Lot 1 and several solar permits are in the works. She also reported that she received today two non-permanent conditional use permits for exclusionary fencing for commercial agriculture on Lots 54 and 55. She will review the applications for completeness and prepare them for review at next month's PLUC Meeting. She will send copies to PLUC Members once they are ready. Notifications to neighbors will be mailed later this month.

Fitzburgh noted that the PLUC must first address the commercial agriculture designation and make its recommendation to the TC on that status and then review and make a further recommendation regarding the request for exclusionary fencing.

**Procedural Matters.**

Roth reminded Members that the July PLUC Meeting is scheduled for July 11 because of the July 4 holiday.

**NEW BUSINESS – None.**

**UNFINISHED BUSINESS**

4. Discussion and possible action re: amendments to Ordinance 95-6: An Ordinance regarding the Building Permit and Other Land Use Permit Processes to align it with proposed amendments proposed to Ordinance 85-3 (tabled).

Fitzburgh moved to untable Item 4. Anderson seconded the Motion. Anderson, Fitzburgh, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

Fitzburgh guided PLUC Members through the changes made at or after the last Meeting. Ordinance 95-6: Section 1: 95-6 provides the basis for the applications. This paragraph states that the Building Permit Information Sheet specifies the submissions, forms and agreements which the Town requires for building permits, and the specifications for other applications are included on the individual applications. Rau suggested deleting the word "clearly" on line 3. Everyone agreed it could lead to future confusion. The reference to fees in line 3 was removed because fees are addressed in Resolution 2013-1.

In Section 1.1 specifications for building permits are detailed. The phrase "or for any other project that requires a Grand County Building Permit" was added to avoid trying to list every single project that would require a Grand County building permit and to cover future changes made by Grand County.

Mayor Duncan reported that Orion Rogers and another representative of the Southeastern Utah Health Department (SEUHD) met with her and said that Castle Valley (CV) cannot regulate septic systems with a separate septic permit and cannot be more restrictive in its requirements unless SEUHD grants approval. According to Rogers, the Town should follow state administration rules and regulations regarding septic systems. So, according to Fitzburgh, some of the items on page 2 (such as items "c", "d", and "i") that refer to septic systems may need to be modified after Rogers presents to the TC at its June Meeting and to the PLUC at its July Meeting. Duncan said SEUHD representatives also said that references in our ordinances to the State Sanitarian need to be changed to "local health department." Fitzburgh said that an SEUHD permit application she reviewed was very similar to the CV permit form. She suggested that the Town ask SEUHD to include some of their concerns on its own application form. She also suggested that the Town consult David Church (Utah League of Cities and Towns) and the Utah ombudsman office for property rights for their opinions on what rights the Town has to regulate septic systems and setbacks. Rogers also told Duncan that there is no reason to limit the number of septic systems on a lot to just one, so Fitzburgh said that item d may need to be deleted. Mayor Duncan will see that Rogers gets copies of the Utah Geological Society septic density study and the Town's water study.

In item "i" (page 2) PLUC Members agreed that the phrase "additional earthwork has been done since the drainage review was performed or" was unnecessary and deleted it.



Item "l" which prohibits burying of decommissioned buildings and requires proper storage and disposal was added at Rau's request.

Item "n" designates the Building Permit Agent (BPA) as the person to perform grade reviews instead of the Roads Manager.

On page 3, Section 1.2 outlines requirements for electrical and solar energy system permits. Detailed information is also included on the application forms. Item "A" was deleted because the information is now included on and specific to each permit.

Item "e" repeats the designation of the BPA as the person to perform grade reviews.

Section 6.b. (pages 4/5) designates the BPA as the person to determine if a building permit is routine or nonroutine. It also designated the PLUC Chair to sign permits when the PLUC is the Land Use Agent. Item 6.c. designates the Mayor to sign permits when the TC is the Land Use Agent.

Item 7.a. (pages 5/6) clarifies the signing procedure. PLUC Members agreed to change "State Sanitarian" to "local health department." Roth will scan the document for reference to the "State Sanitarian" and the reference will be changed accordingly, as approved by SEUHD.

Item 7.d. adds the qualifier that only amendments that affect the permit would be cause for not extending the permit as allowed.

The Building Permit Information Sheet (BPIS) was reviewed as follows:

Page 1, paragraph 3, was added regarding the prohibition of burying decommissioned structures, etc., to reflect the change in 95-6 [1.1(l)]. Fitzburgh said the phrase in paragraph 7 was taken from the Watershed Ordinance. PLUC Members discussed whether the reference here to "State Sanitarian" should be changed since it is the language used in the Ordinance. Fitzburgh stated that whatever is put into the information sheets and permits must be ordinance-based. No decision was made on this.

The change under Submission Requirements reflects the change in 95.6 (1.1) that requires building permits for "any other project that requires a Grand County Building Permit Application." References to the "State Sanitarian" in the following paragraphs will be changed to "local health department" as approved by SEUHD.

Fitzburgh noted that Section F under Submission Requirements added "setbacks, fencing, outdoor lighting, etc." to clarify the purpose of the Certificate of Occupancy.

The BPIS will require further modification after consultation with SEUHD.

The CV Grade Review cannot be adopted until amendments to 85-3 have been adopted. PLUC Members did agree to correct "Roads Manager" with "Building Permit Agent" at the bottom of the form to reflect changes in 95-6.

The CV Drainage Review was modified to include the reference from 95-6 requiring that entrances and exits of washes, drainages, and/or waterways not be altered. This applies to all drainage reviews so it simplifies the form. These changes are not affected by proposed amendments to 85-3, so the form can be put into use immediately.

New language from proposed amendments to 85-3 was added to the Acknowledgement of One Dwelling Per Platted Lot form, so it cannot be adopted until amendments are adopted by the TC.

No substantive changes were made to the Acknowledgement of Short-Term Rentals Prohibited form, so it can be used immediately.


No changes were made to the Certificate of Occupancy Review form, but it may need to be changed if 85-3 is modified.

Some changes to the Septic Permit were made to reflect proposed amendments to 85-3. Adoption of the changes here should wait until after the Meetings with SEUHD and after 85-3 has been adopted.

The only changes made to the Routine Solar Energy System (SES) Permit Application were to eliminate the Building Permit Information Sheet as a requirement, to list the specific documents from the Grand County Residential Solar Photovoltaic (PV) System Plan Review (SPSPR), and to require signatures from both the property owner and the contractor. These changes are not affected by proposed amendments to 85-3 and can be adopted immediately.

The above changes were also made to the Nonroutine SES Permit Application with the addition of clarification that the total combined square footage of all ground-mounted or pole-mounted panels or modules shall not exceed 1500 square feet. This application can be adopted immediately.

The Electrical Permit Application was modified to accommodate a request from Brian Murray that the plot plan be simplified or deleted from requirements when upgrades and/or repairs are made that do not



require a new service entrance. It also adds a possible requirement for a change-of-use statement when electricity is added to an existing building for the first time, as well as legal disclaimers and the signatures of both property owner and contractor. The changes are not affected by proposed amendments to 85-3 and can be applied immediately.

Changes to the Decommissioning Contracts for Temporary Dwellings (Routine) and for Previous Structures (Non-Routine) and the Temporary Dwelling Permit (TDP) and TDP Renewals were postponed until proposed amendments to 85-3 are finalized.

Fitzburgh included a copy of a previous SEUHD application for Onsite Waste Water Review and references from Utah State law regarding onsite wastewater systems, and a list of proposed questions for SEUHD that can be reviewed by PLUC Members before Rogers' visit at its July Meeting.

Anderson moved to retable Item 4. Thompson seconded the Motion. Anderson, Fitzburgh, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

5. Discussion and possible action re: revisions to Resolution 2013-1: A Resolution to Adopt a Permit Application and Fee Schedule (tabled).

Fitzburgh moved to untable Item 5. Anderson seconded the Motion. Anderson, Fitzburgh, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

Fitzburgh described proposed changes to the Resolution:

Contact information for building permit agent and water rights agent simplified by removing names and using office contact information.

Item 1 (page 1) – “fences higher than six feet” changed to “seven feet” to correspond with Grand County requirements. Reference to “item 6 below” deleted because no longer applies.

The references to Septic permit and to Sanitarian in Item 6 (page 2) will be modified accordingly after meetings with Orion Rogers, SEUHD.

Hawkins questioned the need for Temporary Dwelling Permit (TDP) Renewals and whether tracking was even feasible. Roth replied that she pulls a report each year of TDP renewals and notifies the property owner a month in advance.

Fitzburgh explained that Item 12 Variance Request provides a process for a partial refund if the variance does not proceed to the Variance and Appeal Officer (VAO). She informed Mayor Duncan that the contract with the VAO will need to be renegotiated to comply with changes in Appeals fees in Item 13 (page 3).

Fitzburgh will ensure that the most current copy of proposed changes to Resolution 2013-1 is provided to PLUC Members for its next Meeting.

PLUC Members agreed to hold a Public Hearing at its July 11, 2018, Meeting.

Fitzburgh moved to retable Item 5. Hawkins seconded the Motion. Anderson, Fitzburgh, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

6. Discussion re: topics, themes, and process for the General Plan Survey (tabled).

Thompson moved to untable Item 6. Anderson seconded the Motion. Anderson, Fitzburgh, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

Thompson reported that she had not received any responses to the notice she put out on the Castle Valley Community Page (Facebook). Rau asked Roth to send a digital copy of the notice to the Town Clerk and ask her to email it to the Town's mail list. Thompson agreed to have responses directed to her email.

Workshops, open houses, suggestion boxes, interactive on-line surveys, non-anonymous surveys, etc., were discussed as means to increase and improve public input.

Suggestions for survey topics and issues included quality of life, capital investments, greenbelt lots, fencing, temporary accessory dwellings, conditional use permits for home/premises occupations, and speeding.

Rau requested that Mayor Duncan solicit input from TC Members and provide feedback to the PLUC at its September Meeting. He stressed that he wants to hear what is on the minds of TC members. He will also request input from the Fire Commission.

Suggestions for improving the effectiveness of the survey input included providing background information for some of the questions, avoiding leading questions, keeping the size manageable, reviewing earlier surveys and bringing back pertinent questions, providing options for further feedback, using a non-



anonymous survey, providing two per lot when there are two owners, numbering surveys to prevent duplicate submissions.

Thompson will research feasibility and cost of interactive online surveys like Survey Monkey.

Rau asked PLUC Members to go through the last survey before the next Meeting and to seriously start marking it up with what works, doesn't work, what should be deleted or modified.

Anderson moved to retable Item 6. Thompson seconded the Motion. Anderson, Fitzburgh, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

- 7. Discussion re: storage of fuels and hazardous materials within the Town (tabled).
- 8. Discussion re: future amendments to Ordinance 85-3 (tabled).
- 9. Closed Meeting (if needed).

**ADJOURNMENT**

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

Rau adjourned the Meeting at 9:00 P.M.

**APPROVED:**

**ATTESTED:**

\_\_\_\_\_  
**Bill Rau, Chairperson**

**Date**

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

**Date**

