

**MINUTES**  
**REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION**

Date: Wednesday, July 5, 2017

Time: 6:30 PM

Place: #2 CV Drive, Castle Valley Community Center

Members Present: Mary Beth Fitzburgh, Marie Hawkins, Harry Holland (electronically by phone), Bill Rau

Members Absent: Ryan Anderson

Others Present: None

Clerk/Recorder: Faylene Roth

**REGULAR MEETING**

**1. Call to Order.**

Rau called the Regular Meeting of the Planning and Land Use Commission (PLUC) to Order at 6:38 P.M.

**2. Open Public Comment – None.**

**3. Approval of minutes.**

**Regular Meeting of June 7, 2017.**

**Special Meeting of June 13, 2017.**

Fitzburgh moved to approve the minutes of the Regular Meeting of June 7, 2017, and the Special Meeting of June 13, 2017, as presented. Hawkins seconded the Motion. Fitzburgh, Hawkins, Holland, and Rau approved the Motion. The Motion passed unanimously.

**4. Reports.**

**Correspondence.**

A Castle Valley resident submitted an email letter in support of the PLUC's efforts to increase the minimum rental period and require a business license to stop illegal short term resort rentals within Castle Valley.

**Town Council Meeting – Fitzburgh.**

Fitzburgh reported that the Town Council approved the recommended amendments to Ordinance 85-3 with one minor change in three places where the phrase "reasonably feasible" applies to decisions that might affect the effectiveness of the solar collectors. She said they also passed the recommended building code ordinance.

**County Resource Management Plan Report (CRMP) – Rau.**

Rau reported that the County has to submit the CRMP to the State by the end of the month. He said he has not seen a new draft.

**Permit Agent – Roth.**

**Permit Activity.**

Roth submitted a building permit activity report for June showing two building permits, one electrical permit, a certificate of occupancy inspection and a Temporary Dwelling Permit Renewal. Roth noted that the certificate of occupancy inspection (Lot 411) includes a Decommissioning Contract for an accessory structure that has been used as a temporary dwelling. She said that the property owner, Chris Michaud, has 30 days from the date of the inspection to decommission the structure. According to Roth, Michaud will remove the kitchen stove and a bathtub. She said he asked for permission to retain a refrigerator in the structure for harvest use. PLUC Members agreed. Roth will conduct an inspection to confirm the decommission.

**Procedural Matters.**

**Revised Solar Permit Application Form.**

PLUC Members reviewed a revised solar permit form. Roth will prepare a revised draft based on PLUC input for the next meeting and prepare a draft to be used for nonroutine solar permit applications.

**BPA Hiring Committee.**

Bill Rau volunteered to serve on the hiring committee for the Building Permit Agent position being vacated by Roth.

**Job Descriptions.**

Roth provided new job descriptions for the Building Permit Agent and the PLUC Clerk which were approved by the Town Council at its last meeting.

**Open Public Meetings Training (OPMT).**

Roth provided information on a few items from the OPMT. (1) Rules regarding Electronic Meetings depend upon the local entity's written procedure. She said that, according to Castle Valley Ordinance 2009-1, one or more members may participate electronically and can be counted to establish a quorum for the meeting. The Ordinance states, that in the event of a communications failure during the meeting, the meeting must be stopped if the participating member is necessary to constitute a quorum and communication cannot be re-established. Any business acted on before the communication failure is still binding. The Ordinance also states that public participation is limited to the anchor location, which is the Town Hall. The Ordinance also states that all votes should be taken by roll call, with each member voting individually and recorded in the Minutes. (2) Member emails are subject to GRAMA. Text messages are not necessarily subject to GRAMA. If text messages are deleted, they are not subject to GRAMA. If they are retained, they are subject to GRAMA.

**NEW BUSINESS – None.**

**UNFINISHED BUSINESS**

5. Discussion and possible action re: requiring a Town permit for special events on property owner's lots. Fitzburgh moved to untable Item 5. Hawkins seconded the Motion. Fitzburgh, Hawkins, Holland, and Rau approved the Motion. The Motion passed unanimously.

Rau said that he has explored a variety of variables—place, duration, number of people—that might determine whether a special event should be permitted but decided that it seemed impractical to require permits for special events. Hawkins agreed that the Town would not want to require a permit for a family reunion. "...or a party," Rau commented. He said that parking for a large event could present an issue for the fire department. Fitzburgh mentioned the effect of something like the Rock Crawler event when a thousand participants have camped along Kane Creek.

PLUC Members discussed what numbers and duration might constitute the need for a permit. Would it be an ordinance or a prohibited use? Would the Nuisance Ordinance cover it? What is the septic impact? What about filming? Fitzburgh noted that if it were an event that people had to pay to attend, then it would be a commercial activity which is not allowed.

PLUC Members agreed to continue to consider the issue. Rau will explore other options. He reported that the property owners for the two large events held this year did provide porta potties.

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


6. Discussion and possible action re: amendments to Ordinance 85-3 to extend the minimum rental period and require a business license for renting residential property (tabled).

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

Rau referred to the correspondence regarding an illegal rental for periods shorter than 25 days. He said that he found three Castle Valley vacation rental properties listed on line. All listed a 30-day minimum. He said he tried to sign up for less than 25 days but was not allowed to do so online.

PLUC Members reviewed a summary of potential solutions and concerns. Fitzburgh said that requiring a business license for short-term rentals as stated in #2 conflicts with our ordinance which does not allow short-term rentals. Rau replied that this requirement would apply to any rental for less than six months.

Holland asked how residents have responded in the past when told they cannot rent short-term. Other Members shared one situation where letters were sent with a follow-up by an attorney and fees imposed. However, they noted that the situation has been reported to continue. Rau said he has heard of another rental that might be lax about adhering to the 25-day minimum. They acknowledged the difficulty in gathering evidence. Holland suggested the ordinance is working pretty well with so few rentals occurring. Fitzburgh suggested that requirement of a business license would provide another layer of oversight and allow the



Town to ask for more information about the rentals. It would, she said, also prevent the owners from claiming ignorance of the 25-day minimum. According to Rau a property rental by an owner who is not living at the residence is considered a business in most jurisdictions. Holland said that he knows people who rent vacation properties in other places who are not required to form a business or get a license. Hawkins observed the uncertainty of any local control considering past attempts by the State Legislature to prevent communities from prohibiting bed & breakfast rentals.

Rau suggested passing this information to the Town Council to share their mixed feelings and ask for their feedback. Roth will include the "Short-Term Rentals in CV" information sheet with the next PLUC Report to the Town Council. Rau will attend the TC Meeting.

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

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

8. Closed Meeting (if needed).

**ADJOURNMENT**

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

Rau adjourned the Meeting at 7:32 P.M.

**APPROVED:**

**ATTESTED:**

\_\_\_\_\_  
Mary Beth Fitzburgh, Co-Chair

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

APPROVED