



MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, July 6, 2016

Time: 6:30 PM

Place: #2 CV Drive, Castle Valley Community Center

Members Present: Mary Beth Fitzburgh, Marie Hawkins, Bill Rau

Members Absent: None

Others Present: Tina Van Zant, Ben Van Zant, Linda Brady, Merrill Brady, Kaaron Jorgen, Randy Jorgen, Dave Erley.

Clerk/Recorder: Faylene Roth

CALL TO ORDER

Rau called the Regular Meeting of the Planning and Land Use Commission (PLUC) to Order at 6:32 P.M.

1. Open Public Comment. - None

2. Approval of minutes.

Regular Meeting of June 1, 2016.

Fitzburgh moved to approve the Minutes of June 1, 2016, as presented. Hawkins seconded the Motion. Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

3. Reports.

Correspondence. - None

Town Council (TC) Meeting – Fitzburgh

Fitzburgh reported that the Town is revising the Water Users Agreement (WUA) with an attorney who has advised the Town to write an ordinance that spells out what the Town wants the WUA to contain. According to Fitzburgh, the Town Council must determine whether the ordinance would be a land-use ordinance. If not, the Town Council will write the Ordinance. If, however, it is a land-use ordinance, then the PLUC will be asked to review and hold a public hearing. Fitzburgh also reported that Bob Lippman, Colleen Thompson, Pamela Gibson, and Dennis Brown are serving on the Fiber Optics Committee chaired by Council Member Alice Drogin. In addition, she said that the TC approved the PLUC's request to hire an attorney to review the enforceability of the solar amendments.

County Resource Management Plan Report (CRMP)– Rau

Rau reported that four (4) proposals were submitted to Grand County for development of the County Resource Management Plan. He said two (2) were excluded immediately. After discussion for several hours, Rural Community Consultants (with offices in Springdale and Monticello) was selected. Their contract will be considered at the mid-July County Council Meeting. Development of the CRMP will begin after approval of the contract.

Permit Agent.

Roth submitted a report showing a building permit issued for a bathhouse on Lot 257 Miller and a Temporary Building Permit for an Airstream trailer on Lot 303 Holyoak.

Procedural Matters.

Open Meetings Training Report – Roth

Roth deferred the report until next month.

Rau reported on the search for candidates to fill the PLUC vacancies. He, Fitzburgh, and Mayor Erley will follow-up on suggested candidates.



NEW BUSINESS

4. Discussion and possible action re: approval of non-routine building permit for Lot 440.

Rau asked for comments from the public.

Ben Van Zant asked where the height of the 24'11" residential structure would be measured. He said that all four sides have the same finished grade.

Fitzburgh replied that the PLUC requires that existing and finished grades be drawn and labeled on all four elevation drawings, as described in the Castle Valley Building Information Sheet. Without that, she said, they could not determine where existing grade differentiated from finished grade.

Tina Van Zant said that the building pad was established twenty years ago and is currently considered existing grade.

Fitzburgh asked that the recent earthwork be detailed on the elevation drawings.

Merrill Brady asked if the Town would be agreeable to deannexing this lot since part of it is within Town boundaries and part is on County land. Both Rau and Fitzburgh said they could not answer that question. Mayor Erley said deannexation would be a complicated long-term process.

Rau reiterated the need to show the lines for finished and existing grades in order for them to make a determination. Fitzburgh stressed that the elevations must show in detail where existing grade is no longer finished grade. "We are taking your word," she said, but also noted that the plans have to reflect what is being stated by the applicants.

Fitzburgh moved that if finished grade and existing grade are drawn on all four elevations, then Roth can approve the permit as routine. Hawkins seconded the Motion. Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

5. Discussion and possible action re: revision or re-issue of Decommissioning Contract for Lot 373.

Randy and Kaaron Jorgen stated that they want to remove enough of the current residence to be under the 7000 SF property limit and perhaps need more than 30 days to dismantle it.

Rau identified two separate issues for the PLUC: revising the Decommissioning Contract and resolving the square footage issue.

Kaaron suggested a 90-day time period for removal of the excess square footage.

PLUC Members discussed separating the decommissioning of the structure from the removal of the structure, or a portion of it. They agreed that the current Decommissioning Contract which requires the kitchen to be decommissioned within 30 days should be retained and a second Contract could be drafted to deal with the square footage issue. They noted that there is no language in the Ordinance that states a time frame for removal of a structure in order to come into compliance with the square footage limit. Fitzburgh said she was not comfortable with leaving the time frame open-ended. They agreed that a change of use for the remaining portion of the structure was okay.

Fitzburgh moved to approve another Decommissioning Contract for Lot 373 stating that the current dwelling on the Lot will have portions of the building removed so that it will be no more than 1300 S.F. and that this will be completed no more than 90 days after occupancy of the new dwelling, whether permanently or intermittently, or receipt of a Certificate of Occupancy for the new dwelling whichever occurs first. Hawkins seconded the Motion. Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

Roth will draw up the Decommissioning Contract. Rau will sign it for the PLUC and take it to the Recorder's Office for filing.

UNFINISHED BUSINESS

6. Discussion and possible action re: amendments to Ordinance 85-3 to establish regulations for solar panels (tabled).

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

PLUC Members agreed to edit the document to use the following terms—array, panel, module—as recommended in comments from Brian Murray and Rob Soldat. Fitzburgh quoted from the International Electric Code (IEC) which uses “panel” and “module” interchangeably. They agreed to use the phrase “panel or module” whenever either term appears in the Ordinance.

Murray and Soldat also recommended a maximum height of 12 feet for routine arrays. PLUC Members discussed how to best measure height of an array and whether to differentiate height to a slab on grade structure from a direct ground mount structure. Fitzburgh will draft language to state that height must never exceed 12 feet from top of panel at highest position to finished grade or slab on grade directly below each module.

In Section 4.15.1, PLUC Members agreed to delete Items 5 and 6 and the last two sentences in Item 7 because Grand County regulations govern these points.

Fitzburgh said that the Town Council authorized up to \$500 for an attorney to review the amendments for enforceability. They selected to request the review from attorney Craig Call, who is a land-use expert. Fitzburgh will contact him.

Fitzburgh will send a revised draft to PLUC Members for review. She will then send it on to Craig Call.

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

Rau adjourned the Meeting at 8:35 P.M.

APPROVED:

ATTESTED:

Bill Rau, Chairperson

Date

Faylene Roth, PLUC Clerk

Date