

MINUTES
REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION

Date: Wednesday, August 1, 2012

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Laura Cameron, Mary Beth Fitzburgh, Marie Hawkins

Absent: None

Others Present: Don Tuft

Recorder/Clerk: Faylene Roth

CALL TO ORDER: 7:04 P.M.

1. Open Public Comment.

None

APPROVAL OF MINUTES

2. Regular Meeting July 11, 2012.

Laura suggested a change in the Building Permit Agents Report, Paragraph 1, Sentence 2, to identify the new report format presented by Faylene as a “new format for building permit reports.”

Marie motioned to approve the Minutes of the July 11, 2012, PLUC Meeting as amended. Laura seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

REPORTS

3. Town Council Meeting – Chair.

Mary Beth will share comments from the Town Council about the General Plan Survey during discussion of Item 7.

4. Building Permit Agent.

The new format for building permit reports was reviewed. Faylene reported that John Groo will be making some changes to the report form which will include replacing the date of the report with the date range for the report which will identify the month during which the activity listed took place. PLUC Members asked that the title be changed from Building Permits Record to Building Permits Report and that the Notes column be replaced with one for Road to identify the road on which the property is located. Faylene will ask John about changing the order of the columns to put Road and Approval (date) farther to the left.

The July 2012 Building Permit Report listed one septic permit and one electrical permit for a solar installation. Members agreed that they want to see more information about the size and capacity of solar installations on the monthly reports.

5. Procedural Matters.

Laura asked for clarification on the building permit issuance process. In reviewing documents for tonight's PLUC Meeting, she noted that the Town file for the Lot request in Item 6 did not contain a Castle Valley Septic Permit. She wondered how this lapse could occur. Mary Beth responded that Town records from earlier periods are not complete, so it would be difficult to determine if this was an oversight or a missing record. Faylene reported that Don Tuft, contractor and representative for the Lot 102 request in Item 6, had obtained a copy of the Grand County septic permit and provided it to the Town for our records. According to Faylene and Mary Beth, the Castle Valley septic permit is occasionally overlooked by Grand County Sanitarian, Jim Adamson. After a recent lapse, Faylene said that she called Jim Adamson and reminded him that it is necessary that applicants present a plot plan and permit application to Castle Valley before applying to the County, so that the Building Permit Agent can confirm that the location of the septic system meets our code restrictions and does not pose a safety risk to neighboring properties that may have wells or septic systems that were established under different setback requirements.

NEW BUSINESS

6. Discussion: request for addition to existing building on Lot 102.

Don Tuft attended the Meeting as representative, and building contractor, for Robert and Kathy Schrank, owners of Lot 102. They have requested to build a small addition, with a basement beneath, to a 20' x 38' structure that does not meet the current setback requirements. The building is located in the back northeast corner of the property and has a 14'6" setback from the back property line and a 26'6" setback from the nearest side property line. The addition would measure 8' x 14' and be centered on the front of the building, which faces towards the center of the property, so that the external walls of the new addition would meet current setback requirements. Mary Beth reported that the Town files show that a building permit was issued for this structure in 1988 which predates the current setbacks which were established in 1991. Setbacks at the time of construction were 10 feet from adjacent properties.

Since the current structure adhered to the setbacks in effect at the time, it would now be considered a legal noncomplying structure. Castle Valley's Ordinance 85-3 is silent on additions to legal noncomplying structures (except in the case of height). According to Mary Beth, Salt Lake City's land-use ordinance allows a noncomplying building to be enlarged if the new addition meets the conditions of the current ordinance. She suggested that the Town of Castle Valley might take a similar approach. Mary Beth informed Don Tuft that she would ask for legal advice from the Town's attorney about what the Town could allow in this situation and report at the next PLUC Meeting.

Since there is a residence on the property, Mary Beth stressed that the noncomplying building could contain a bathroom but could not include a kitchen, according to the one dwelling per lot provision in Ordinance 85-3.

According to Mary Beth, a building permit for a noncomplying structure must be reviewed by the PLUC and then presented to the Town Council for their approval. She directed Don Tuft to prepare preliminary plans for review at the September 5, 2012, PLUC Meeting. If the Town Council approves the project, then a full set of plans, as presented to the Grand County Building Department, and all required forms, signed by the property owners, must be submitted to the Castle Valley Building Permit Agent before the building permit is issued.

OLD BUSINESS

7. Discussion and possible action re: General Plan Review (tabled).

Marie motioned to untable Item 7. Laura seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

The current draft of the General Plan Survey incorporates questions generated by Town Council Members at their July 18, 2012, Meeting. Town Council Members present at that Meeting did not think it was necessary to send the Survey draft to a consultant for review, but they did want to include it as an Agenda item for their August 15, 2012, Meeting for a final review.

Laura reported that she did send a copy of the Draft Survey to the Ph.D. Psychologist who is a test-question writer for the State of Utah, as she had proposed to do at last month's PLUC Meeting. He told Laura that he was impressed with the quality of the Survey. He liked the way it looked and felt that the questions were thoughtful. He especially liked the way Section H was presented and how it was rated. He suggested that the PLUC do the same with Section I (Let Your Voice Be Heard) and ask survey takers to rate responses rather than circle items.

PLUC Members discussed possible changes to Section I. For I1 they decided to retain the format as is but to rate each choice from 0-3. They discussed changes to I2 but decided to leave it as is. The wording of I3 was changed to read, "Please share any concerns or suggestions to help address any issues you have indicated above as a high priority."

The changes in A7 were suggested by Town Council Member Duncan to clarify what the actual requirement would entail and to delete the phrase "most likely." PLUC Members agreed with this change.

PLUC Members discussed changes made to A8 and decided to retain, at Laura's request, the use of the word "monitoring" to better describe "septic practices."

Question F2 regarding cell phone service in the Valley was changed at Town Council Member Duncan's request. She felt that the phrase "...and the Town establishing a site for a tower" sounded like the Town would be paying for it, which was not intended. The phrase will be deleted and the question will ask whether there is support for cell phone service in the Valley.

In question F3, "Do you favor" was changed to "Should" to match the format of other questions.

After discussion, PLUC Members agreed to send the Survey in an envelope (rather than folded) with a stamped self-addressed return envelope included. Faylene will check with the Postal Service to determine the weight of the mailing envelope and the cost. She will also ask about the cost, minimum size, and timeline for bulk mailings.

The return date for completed surveys was extended to October 31, 2012. The offer to accept late surveys was deleted.

Mary Beth reported that any changes made by the Town Council will be reviewed at the next PLUC Meeting.

Marie made a Motion that the PLUC send the Survey out without Town Council review.

In discussion, Mary Beth said that she wanted to give the Town Council the opportunity for a final review. They had suggested their final review in lieu of sending the Survey to a consultant for review. Laura said that she would agree to send the Draft Survey back to the Town Council for a final review, after which the PLUC would decide whether to make any changes requested by the Town Council. She would not favor sending it back to the Council again.

There was no second to the Motion to send the Survey out without Town Council review.

Marie suggested setting a Special Meeting date before the next scheduled PLUC Meeting for review of any changes requested by the Town Council. PLUC Members agreed to schedule a Special Meeting for the week of August 20, if needed. If the Town Council proposes no changes to the General Plan Survey, then it will be ready to mail.

Laura motioned to approve the Castle Valley General Plan Survey as amended. Marie seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

Laura presented an information sheet titled "Help Protect the Castle Valley Aquifer by Maintaining a Healthy Septic System" which is backed by an edited version of the "Don't Flush List Guidance." The two-sided information sheet will be mailed to residents and property owners with the General Plan Survey. The first side provides some basic information about septic tank maintenance and directs readers to the Power Point presentation by Judy Sims of the Utah Water Research Laboratory which Mary Beth has added to the Quick Links section of the Town webpage. Mary Beth suggested a few edits and additions that were accepted by PLUC Members. They included: directions at the end of the first paragraph to the link on the Town webpage; a suggestion to include information from the Power Point presentation about checking labels on cleaning products to gauge their level of toxicity. According to the PPP, a "Danger" warning on a product indicates that the product will kill bacteria in the system and its use should be eliminated or minimized; a "Warning" citation means that limited use should have minimal effect on the system, and a "Caution" note means that use should have little effect upon the system. Laura pointed out that she had added information about the use of borax and peroxide as cleaning substitutes for more harmful chemicals. Marie suggested moving the statement about checking labels to the Don't Flush list on the back side. Faylene asked to include the information sheet in the Building Information Packet.

Information on the \$100-\$300 cost of septic tank risers was confirmed by Mary Beth and Faylene.

Laura suggested that she ask Ron Drake to let residents know about the septic maintenance Power Point presentation now on the Town website through his Castle Valley Comments column in the Moab Times-Independent. She will do so once Mary Beth has completed work on the

website. Marie asked to have Ron inform residents/owners about the Survey once it has been mailed. Laura suggested also putting an announcement in The Sun.

Marie motioned to retable Item 7. Laura seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

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

Left tabled.

9. Discussion and possible action re: reviewing and amending Ordinance 96-1: Watershed Protection Ordinance (tabled).

Left tabled.

10. Closed Meeting (if needed).

Left tabled.

ADJOURNMENT

Marie motioned to adjourn. Laura seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

Adjournment: 8:47 P.M.

APPROVED:

ATTESTED:

Mary Beth Fitzburgh, Chairperson Date

Alison Fuller, Town Clerk Date