

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

Date: Wednesday, September 11, 2013  
Time: 7:00 PM  
Place: #2 CV Drive, Castle Valley Community Center

Present: Chair Mary Beth Fitzburgh, Vice-Chair Marie Hawkins, Members Laura Cameron and Bill Rau

Absent: None

Others: Councilmember Jazmine Duncan, Mayor Dave Erley, Erik Secrist, Leta Vaughn

**CALL TO ORDER**

Fitzburgh called the Meeting to order at 7:03 P.M.

1. Open Public Comment.

Vaughn welcomed Rau to the Planning Commission. Fitzburgh expressed her thanks to Rau for joining the PLUC.

**APPROVAL OF MINUTES**

2. Regular Meeting August 7, 2013.

Cameron motioned to approve the Minutes of August 7, 2013, as presented. Hawkins seconded the Motion. Cameron, Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

**REPORTS**

3. Correspondence.

Fitzburgh announced that the PLUC had received a letter from Duncan regarding the General Plan. It will be discussed under Item 10.

4. Town Council Meeting – Chair.

Fitzburgh reported that she was not present at the August 21, 2013, Town Council Meeting. She did relay, however, that the Contract revision between the Town and Castle Valley Inn has been delayed for another month to allow for additional comment. Mayor Erley has compiled a current version which assimilates comments from the August Council Meeting. The draft Contract is available for public review at the Town Office and in the Castle Valley Library.

## 5. Permit Agent.

Roth submitted a Building Permit Report and a Conditional Use Permit Report for activity during the month of August. It included an electrical permit for a solar installation on Lot 132, a building permit for a foundation for a manufactured home on Lot 246, a septic permit for Lot 284, two Certificates of Occupancy for Lots 132 and 333, and a routine CUP and business license for a mobile sharpening service on Lot 210.

Roth also informed PLUC Members that she had received an initial request for a nonroutine-CUP and business license for a mobile auto repair service based on Lot 441. If completed, the application will be reviewed at the PLUC's October 2, 2013, Meeting.

Roth also relayed a suggestion from Jeff Whitney, Grand County Building Inspector, that future Castle Valley Decommissioning Contracts require mobile homes used as temporary dwellings during residential construction be removed from the property once construction is completed. According to Roth, his opinion was that mobile homes are specifically designed as living structures and should not be used as storage buildings. Fitzburgh observed that, in some cases, they can serve well as economical office space.

PLUC Members discussed the transfer of pre-1976 trailers from one lot to another in Castle Valley. Fitzburgh reported that Ordinance 85-3 already prohibits residents from bringing in pre-1976 trailers.

## 6. Procedural Matters.

Roth informed Rau that the Town Clerk had established a mail box for him in the Conference Room. She also informed him that a building key was available to him; he declined the key.

Roth also reported that there was minimal new information from the August 8, 2013, Open Meetings Training session that was applicable to the PLUC. Changes in retention schedules and timetables for making documents available to the public will be discussed in Item 8.

## NEW BUSINESS

### 7. Discussion and possible action re: Nonroutine Decommissioning Contract for Lot 280.

Fitzburgh reviewed the proposed Nonroutine Decommissioning Contract between the Town of Castle Valley and Erik Secrist, Lot 280. Secrist has applied to the Town for a building permit to build a new residence on the lot. Since he currently resides in a 1988 Fleetwood manufactured home on a foundation, the Decommissioning Contract states that he will remove the manufactured home within thirty days of moving into the residence or within 30 days of receipt of a Certificate of Occupancy from Grand County, whichever occurs first. Secrist said that he plans to convert the vacated space to a garden and use the foundation as a garden wall. Fitzburgh cited language in the Contract that provides safeguards to the Town if the requirements of the Contract are not followed by Secrist.

Cameron motioned to approve the Nonroutine Decommissioning Contract for Lot 280, as specified in Castle Valley Ordinance 85-3, Sections 4.13 and 4.14, as presented. Hawkins seconded the Motion. Cameron, Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

8. Discussion and possible action re: amendments to Ordinance 2006: An Ordinance Establishing the Planning and Land Use Commission and Designating Land Use And Appeal Authorities.

Fitzburgh reviewed a draft of Ordinance 2006-3, prepared by Roth, which indicates areas where the current ordinance is not in compliance with current Utah State Law. Fitzburgh referred to Section 1.9 which she amended to correct an error regarding the number of affirmative votes necessary to pass a Motion when only three members are present.

Other discussion clarified the requirement in Section 1.8 that a workshop is considered a Public Meeting and must be noticed as such if three or more members (constituting a quorum) are present. Also, according to Section 1.9, a split vote of 2:2 amongst four PLUC members resulting in a tie vote would be insufficient to approve a Motion.

Roth will continue to research amendments to this ordinance in order to clarify ambiguities found in several Utah state documents regarding retention schedules for PLUC minutes and recordings. She also plans to contact David Church to inquire about general language that could be used in the Ordinance so that the PLUC would not have to rewrite the Ordinance every time the Utah State Law changed. According to Roth, if such language can be used, then the PLUC would be responsible for maintaining a current retention schedule and timetable for release of documents. She will present a revised draft at the October PLUC Meeting.

Hawkins motioned to table Item 8. Rau seconded the Motion. Cameron, Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

9. Discussion and Possible Action re: establishing written rules of procedures for PLUC Meetings.

Fitzburgh provided a draft of written rules and procedures based on the format provided by the Utah League of Cities and Towns (ULCT). This draft modifies the ULCT format, which is designed for Town Councils and elected members, to the needs of the PLUC and an appointed commission.

In addition to the written rules and procedures, Fitzburgh suggested adding the following statement—sent earlier to PLUC Members by email—to each Agenda.

*“Robert’s Rules of Order serves as a guide for the conduct of our meetings. When needed, more formal parliamentary procedures may be called upon at the discretion of the Chair. Please raise your hand if you wish to speak and wait until recognized by the Chair. Members of the Public may speak during the “Open Public Comments” on any*

*topic of interest not on the agenda. They may also speak during other agenda items at the discretion of the Chair or other Commissioners, when recognized.”*

Rau suggested the following: delete second sentence for brevity since it is a direction for PLUC Members and add a statement that during Public Hearings citizens shall direct their comments to the PLUC and not to one another.

Members discussed pros and cons regarding the inclusion of this note on each Agenda, as well as what these rules should be and the best way to communicate the rules for meeting procedures to the public. Roth referred to Utah Code 1-3-606 which requires that rules of order and procedure be made available to the public at each meeting and on the Town website. No consensus was reached regarding inclusion of the above notice on future agendas, but the majority of Members expressed varying degrees of support for doing so.

Members decided to continue the discussion of the written rules and procedures at the October 2, 2013, PLUC Meeting in order to give Members more time to review the draft document.

Cameron motioned to table Item 9. Hawkins seconded the Motion. Cameron, Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

#### UNFINISHED BUSINESS

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

Hawkins motioned to untable Item 10. Rau seconded the Motion. Cameron, Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

Fitzburgh asked Duncan to comment on her suggestions—earlier submitted to the PLUC by email—which pertain to the Fire Protection and Emergency Preparedness Section of the General Plan on page 13. Fitzburgh noted that the Fire Commissioners have also been asked to provide input to this section. She inserted that she has also asked the Roads Manager for input regarding roads issues.

Duncan reported that she has been working on a Pre-disaster Emergency Mitigation Plan for the Town of Castle Valley. She said that the Town will be deciding what hazards face the Town, such as flooding, fire, lack of emergency medical response, etc., in order to establish its Mitigation Plan. She feels it is important that the General Plan acknowledge that the Town is “doing its job to prepare for possible disasters.” According to Duncan and Erley, the success of any requests for funding; e.g. Federal Emergency Management Agency (FEMA), Community Impact Board (CIB), by property owners or the Town would be improved if it can be demonstrated that the Town has actively addressed possible hazards.

Councilmember Duncan addressed goals and policies that she thinks should be included in the Fire Protection Section of the General Plan Update. She wants to ensure that language in the General Plan is strong enough to demonstrate the Town is doing everything it can to mitigate disasters before they happen. She submitted the following suggestions to include:

1. Insure residents and property owners are made aware of emergency policies and procedures and can identify evacuation routes and safety zones in the community. Work to improve communication systems and methods that will help establish faster response to emergencies.
2. Adopt updated CWPP [Community Wildfire Protection Plan], insist that property owners implement firewise practices on their properties developed or otherwise. Create ordinances that reflect the ongoing need to properly manage fuels, as necessary, to compliment the efforts of the Castle Valley Fire Protection District and to protect life and property.

Policy: The town will develop a comprehensive all hazard pre disaster mitigation plan using requirements for public sectors as amended in the Disaster Mitigation act of 2000; the plan will identify hazards, risks and vulnerabilities within and affecting the community, it will describe actions to mitigate hazards risks and vulnerabilities identified and it will establish strategy to implement these actions.

According to Duncan, the Town needs to develop a Pre-Disaster Mitigation Plan. Steps the Town can take include adoption of a CWPP, support of first responder training, tracking of citizen efforts on their own properties to mitigate potential hazards, and better communication between the Town and property owners. Fitzburgh and Rau will work with Duncan on strengthening the language for this Section. Rau suggested that the Town should make this a priority issue.

Funding for the Town's goals in this Section was discussed. Rau commented that outside funding can be a source of problems. Fitzburgh noted that has been an issue for Castle Valley in the past. She mentioned the Natural Resource Conservation Service (NRCS) plan that had proposed solutions to flooding in Castle Valley that did not adequately address the source of the problem and Utah's CIB decision not to approve a grant to Castle Valley because of stands it had taken regarding oil and gas leases. Duncan suggested that the Town's budget could be a funding source for some of the goals. She observed that the Town's first priority is to develop a pre-disaster plan which would then support applications from property owners who might need a FEMA grant after a potential hazard occurred.

PLUC Members reviewed a revised draft of the General Plan Update that reflects changes made at the last PLUC Meeting as well as additional edits communicated by email since the August Meeting. Fitzburgh will incorporate the additions and deletions agreed to at this Meeting into a revised draft for review at the October 2, 2013, Meeting.

The current draft follows a format currently used by many communities in Utah (Big Water, Rockville, Grand County) which begins with an overall introduction of who we are as a community and then divides each of the issues sections into three parts: existing conditions, goals and policies. Hawkins preferred a document that was brief and nonrepetitive, as prepared in the past. Other Members supported the new format.

Members agreed to delete the following: reference to foster homes in Item 4 (page 8) of the Policies Section under Housing and Waste Water Disposal (since the State already regulates foster homes); support of a Master Trail Plan in Item 5 (page 10) of the Policies Section under Transportation and Roads (until more specific information about the effects of a trail system within the Valley can be conveyed to property owners in the next General Plan survey); the reference to the Town becoming a used oil collection facility in Item 2 (page 12) under Water.

Fitzburgh asked Cameron to revise the language used on pages 7/8 regarding the status of existing septic systems under Housing and Waste Water Disposal Systems and to provide further suggestions regarding new septic regulations. She asked Hawkins to provide a list of repetitions within the draft General Plan so that Members could consider them for deletion in order to shorten the length of the General Plan.

Hawkins motioned to retable Item 10. Rau seconded the Motion. Cameron, Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

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

Left tabled.

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

Left tabled.

13. Closed Meeting (if needed).

None.

#### ADJOURNMENT

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

Fitzburgh adjourned the Meeting at 9:34 P.M.

**APPROVED:**

**ATTESTED:**

\_\_\_\_\_  
Mary Beth Fitzburgh, Chairperson    Date

\_\_\_\_\_  
Alison Fuller, Town Clerk                      Date