



MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, September 7, 2016

Time: 6:30 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Ryan Anderson, Mary Beth Fitzburgh, Marie Hawkins, Harry Holland, Bill Rau

Absent: None

Others Present: Jocelyn Buck

Clerk/Recorder: Faylene Roth

CALL TO ORDER

Rau called the Meeting to Order at 6:35 P.M.

1. Swearing in of New Members – Town Clerk.

Town Clerk Buck conducted swearing-in of new PLUC Members Anderson and Holland.

Rau welcomed new members and thanked them for their service.

2. Open Public Comment. – None.

3. Approval of minutes.

Regular Meeting of July 6, 2016.

Fitzburgh moved to approve the Minutes as presented. Hawkins seconded the Motion.

Anderson, Fitzburgh, Hawkins, Holland, and Rau approved the Motion. The Motion passed unanimously.

4. Reports.

Correspondence. – None.

Town Council (TC) Meeting – Fitzburgh.

Fitzburgh reported on both the July and August Town Council Meetings. She said that Mayor Erley and Council member Duncan had spoken about the emergency loan program for septic tanks. They spoke with Orion Rogers, State Sanitarian, who told them that he was not aware of any current septic problems in Castle Valley. He said that he inspects septic systems upon sale of property when a loan is involved; but, he noted, if it is a cash sale, there is no inspection. He suggested an ordinance that would require septic system inspection upon sale of property. Fitzburgh mentioned earlier PLUC discussions regarding rules to require septic pumping upon sale if the system had not been pumped within the most recent recommended period. She said that Rogers supported the development of the ordinance. According to Fitzburgh, the TC had favored this approach when earlier considered by the PLUC.

Fitzburgh also reported that the TC is considering a municipal well site, perhaps at the end of Shafer Lane near Fire Station One [Castleton Road]. She said that the next phase of the water study would assess the best siting. According to TC discussion, the recent Water Study shows this area to be a good point where surface and ground water are separated. It was suggested, she said, that a water truck might make deliveries to individual lots or to a tank at the Town Lot for dispensation, for a fee. She reported that the Town would get additional protections for maintaining water quality if it were designated a municipal water provider and that John Groo, Water User Agent, is currently working with the State Regional Engineer to learn more about this type of designation and what it would entail.



Fitzburgh also reported that the Town is seeking Cooperative Agency Status with the U.S. Forest Service as part of its plan revision. The Town is requesting this designation on issues related to its watershed. It may allow the Town to provide input during early planning stages of any changes that might affect the quality of our watershed.

County Resource Management Plan (CRMP) Report – Rau

Rau said there is nothing new to report.

Permit Agent.

Roth reviewed the July and August Building Permit Reports. She said that the routine-Conditional Use Permit (CUP) for Lot 117 for office space for JEM Mechanical was a re-issue of a lapsed permit for a period of time when the owner was not living in Castle Valley. She also explained that the two listings for the Decommissioning Contract (DC) on Lot 373 for removal of a portion of a pre-existing residence after construction of a new dwelling were detailing conditions for the same DC. An earlier Contract was approved for decommissioning of the building as a residence. Roth also noted that the item for the Castle Valley Inn, Lot 424, was for the annual inspection required by the Town. Fitzburgh suggested that the most recent date of septic tank pumping be included in future inspection reports.

Fitzburgh commented that this second DC was necessitated as a result of approving a DC before building plans were submitted and approved. Once the plans were submitted, it became apparent that the square footage limit of 7000 S.F. per lot would be exceeded. It was then necessary to issue another DC to require removal of a portion of the original dwelling upon completion of the new dwelling. She explained that the property owners are required to decommission the first dwelling by removing the kitchen within 30 days [of moving into the dwelling or receiving a Certificate of Occupancy] and to remove the necessary portion of the first dwelling within 90 days to allow time for the extensive work required.

Anderson asked about septic problems within the town. Fitzburgh replied there were none that she was aware of but noted that the State requires designation of an alternative drainage field site location before final approval of any new septic system.

Procedural Matters.

Roth explained that the PLUC Member List included in the binder shows the expiration date for each PLUC Member's term and designates the position number (as identified in Ordinance 2006-3) that each person holds. Rau requested that Roth notify the Town Clerk that TC Motions to approve new PLUC Members should include the position (A, B, C, D, or E) being filled.

Fitzburgh requested that the PLUC adopt a rule that all information and documents for nonroutine building permits and noncomplying building permits to be considered by the PLUC be available one week before the Meeting. After discussion, PLUC Members agreed that information and documents must be made available by the Monday of the week prior to the PLUC Meeting (10 days in advance). Roth will add this requirement to the Building Information Sheet, the Town website, and to the Building Permit Agent Procedures list. She will inform PLUC Members of any complications or other inclusion sites.

Open Meetings (OPM) Training Report – Roth

Roth presented the following issues that were discussed at the June 9, 2016, Open Public Meetings Training in Moab:

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- Workshops, executive sessions, and committee meetings with a quorum of PLUC Members present is considered an Open Meeting and must be properly noticed and recorded.
 - General e-mail discussions are to be informational, factual, or staff updates. They should not share opinions which should be reserved for discussion in public meetings. Fitzburgh requested that Roth provide PLUC Members with a retention schedule for email.
 - The only reasons the PLUC might enter a Closed Meeting would be for discussion of competence or health of an individual, imminent litigation, or investigative proceedings of criminal misconduct. It is important to be aware that specific procedures must be followed in opening, recording, conducting, and ending a Closed Meeting.
 - Any site visit by a quorum of the PLUC requires written minutes or an audio recording of the visit.

Members participating in a Meeting electronically are not required to participate in the entire Meeting. The Minutes must record when the Member enters and leaves the Meeting. PLUC Members noted that partial attendance of a Meeting could affect whether a quorum was present.

Identification of Land-Use Issues

Fitzburgh reviewed the list of current Castle Valley Ordinances and identified those that she knew to be land-use ordinances that the PLUC would have to review, hold Public Hearings, and recommend action to the TC. She stated that Meg Ryan from the ULCT clarified that the following types of ordinances would fall under the purview of the Town Council: ordinances related to enforcement, personnell and payroll, Town budgets, Town roads, Animal Control Ordinances, and Nuisance Ordinances. The following were identified as land-use or that have been treated as land use ordinances by the Town in the past:

- 92-1 – electric utility installation
- 85-3 – zoning ordinance
- 2006-3 – establishment of PLUC
- 95-6 – building permit process
- 2009-2 – driveway culvert policy
- 2011-1, 2007-5, 2006-5, 1985-1 – adoption of International Building Code
- 2007-2 – building permit moratorium
- 2005-1, 1986-1 – annexation policy
- 2004-3 – subdivision ordinance
- 2004-2 – master development plan
- 1996-1 – watershed protection
- 1995-6 – building permit forms
- 1991-1 – outdoor lighting

Fitzburgh noted that Ordinance 2011-1 should be updated to adopt the most recent building codes.

Roth will examine past Meeting documents to determine if the PLUC was involved in 2007-7 (hunting and discharge of firearms), 2007-6 (prohibition of open fires, fireworks, and other hazards during period of high fire danger), 1998-3 (standards and requirements for manufactured homes), and 1998-2 (animal control).



Fitzburgh informed the PLUC that the Town is currently exploring whether a new ordinance regarding the Town's water user agreements is under the purview of the Town or if it is a land use ordinance. She explained the current effort by the Town to determine what, if any, influence it has beyond the Town boundary for watershed protection. According to Fitzburgh, the current Watershed Ordinance asks that a permit be acquired from the Town for any drilling, mining or large-scale livestock activity within the watershed but doesn't allow the Town to deny the activity—other agencies such as the Utah Department of Oil, Gas, and Mining can approve or deny drilling and mining.

NEW BUSINESS – None.

UNFINISHED BUSINESS

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

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

Fitzburgh reviewed the proposed amendments to establish regulations for solar panels.

Their emphasis, she said, was to encourage property owners to consider neighbors in deciding placement of the solar array. The only hard and fast rule is to limit height.

Anderson asked how measurement of height was to be determined. Fitzburgh responded

that the maximum height for a routine permit is currently set at 12 feet while the maximum for a nonroutine permit is set at 19 feet. The proposed wording is: *For routine ground-mounted or pole-mounted...the vertical distance between the highest point of any panel or module (at its maximum highest position or angle) to finished grade or slab on grade directly below, shall not exceed twelve (12)feet.*

PLUC Members agreed that they are searching for a balance between encouraging solar panels and protecting neighbors from visual impact.

Roth suggested a limit on size for a routine array so that the PLUC could have input on placement of larger systems to reduce impact on neighbors. Discussion followed regarding an appropriate limit and whether property owners were trending towards larger systems, possibly for irrigation and/or residential heating in order to reduce reliance on propane.

Fitzburgh still wants to consult Craig Call about how sound the Ordinance is.

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

6. Discussion re: future amendments to Ordinance 85-3 (tabled). – Left Tabled

7. Closed Meeting (if needed). – None.

ADJOURNMENT

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

Rau adjourned the Meeting at 8:15 P.M.

APPROVED:

ATTESTED:

Bill Rau, Chairperson

Date

Faylene Roth, PLUC Clerk

Date