



MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION
TOWN OF CASTLE VALLEY

Date: Wednesday, July 10, 2019
Time: 6:30 PM
Place: #2 CV Drive, Castle Valley Community Center

Present: Pamela Gibson, Marie Hawkins, Bill Rau, Colleen Thompson
Absent: Ryan Anderson
Others Present: Jack Campbell, Jazmine Duncan, Norm Llewellyn
Clerk/Recorder: Faylene Roth

CALL TO ORDER REGULAR MEETING

Rau called the Regular Meeting of the Planning and Land Use Commission (PLUC) of Castle Valley (CV) on Wednesday, July 10, 2019, to Order at 6:30 P.M.

1. Open Public Comment.

Jack Campbell expressed his concern that much of the recent negotiations with the applicant for a recent conditional use permit (CUP) application were conducted behind closed doors and through attorneys. He added that community members affected by the CUP were excluded from these negotiations and from site visits by Utah State University (USU) experts. PLUC Members Thompson and Gibson clarified that nothing was negotiated behind closed doors. Roth added that questions were submitted to the applicant's attorney but said that the answers received were later part of the application and discussions held at PLUC Meetings. She also said that PLUC Members were not invited to attend the USU site visits but later received a report with the application.

Campbell added that he thinks Castle Valley's CUP process has served the community very well for the past 30 years. He said he thinks recent changes in State laws regarding conditional uses were motivated by abuses in other communities. He said he thinks that Castle Valley's CUP process is consistent with current State law. He added that he thinks the PLUC has gone out of its way to protect the concerns of neighbors. He then asked PLUC and Town Council (TC) members to consider whether they would want to live in a house that smells like the outhouses along the river corridor.

Campbell suggested that CV hold a workshop to review the value of conditional uses for Castle Valley.

Rau explained that, according to State law, a CUP cannot be denied but the PLUC can add conditions for mitigation of impacts beyond the property boundary. He said the TC may now retain, drop, or add conditions to the permit application. Duncan added that conditions must be based on standards established in the Town zoning ordinance.

Gibson asked Campbell to identify the abuses he mentioned earlier. Campbell responded that aquifer protection from urination resulting from the requested livestock has not been provided which could contribute to nitrate pollution.

Hawkins explained that Utah law states that a nuisance complaint cannot be directed to a farm if it is following acceptable operating procedures.

2. Approval of Minutes;

Regular Meeting of June 5, 2019.

Thompson moved to approve the Minutes of June 5, 2019, as presented. Hawkins seconded the Motion. Gibson, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

3. Reports.

Correspondence – Roth informed PLUC Members that Lee Stoddard has submitted a letter of interest to join the PLUC in January 2020 if Gibson fills one of the open TC seats. Roth said the PLUC vacancy would be announced by the Town Clerk later in the year to allow time for a new member to be appointed before the January 2020 PLUC Meeting.

Town Council Meeting – Thompson reported the following items from the June 19, 2019, TC Meeting:

- A member of the public expressed concern that the General Plan survey results could be subject to bias if discussed behind closed doors. Thompson said that Roth explained that the survey results and a summary would be presented at a Town Meeting. Thompson added that specific results would be discussed at PLUC Meetings and added that the survey results and all written comments would be posted on the Town website.
- Pam Hackley reported for the Solid Waste Service District (SWSD) that the Moab landfill will no longer take cardboard. It will, she said, be received at the Recycle Center. Hackley introduced Stephanie Hambrosky who will assume Hackley's seat on the SWSD board.
- The TC passed the 2020 budget with \$1000.00 set aside for the potential agreement with Moab City for animal control. Mayor Duncan told PLUC Members that Moab cannot start animal control until next year due to staff shortages.
- The livestock CUP was untabled for discussion but no action was taken since the applicant could not be present. According to Thompson, a member of the public stated that the Town has been very accommodating when the CUP applicant cannot be present at a Meeting but said that makes it very difficult for members of the public who may have gone to great inconvenience to attend a Meeting where nothing will be discussed. Thompson told PLUC Members that she had done some research since the TC Meeting but could find nothing in the Ordinance that required applicants to be at Meetings; although, she said the application procedures state that "APPLICANT MUST ATTEND BOTH MEETINGS." Duncan told PLUC Members that neighbors have been informed that the applicant will not be attending the July TC Meeting. Duncan added that CUP approvals are an administrative matter. She said public input is not required for administrative decisions as it is for legislative decisions. Roth added that the Town's procedure is to inform adjacent neighbors and to ask for their comments by letter or at a PLUC Meeting. PLUC Members made statements that the Town has always been open to public comment and said that they need evidence not clamor. Thompson reported that the CUP application will be discussed at the TC's August Meeting. She asked for another PLUC Member to attend the Meeting with her to assist in answering questions. Gibson agreed to attend. Duncan suggested talking with TC Members before the Meeting.

Permit Agent – Building Permit Agent

- **Permit Activity** – Thompson reported that she approved a CUP for a massage therapy business as routine—after discussing it with her supervisor, Bill Rau—because the amount of traffic would be less than allowed in Ordinance 85-3. An electrical permit for a barn and a Temporary Dwelling Permit (TDP) renewal were also completed.

- **Updates on Recent Applications** – Thompson said she just granted a building permit on Taylor Lane and is processing another TDP renewal.

Procedural Matters.

- **General Plan Survey Update** – Rau canvassed the tabulators present and learned that all but about 30 surveys have been tabulated. He said that Bob O'Brien will start analyzing data once he returns from his trip. Roth offered to help with any corrections that need to be made on the data sheets.

Some general impressions were made as listed below:

- Livestock high but no overwhelming interest to ban livestock (including pigs)
- "Naturally occurring retirement centers- NORC" may be able to get grants or government assistance, advised one commenter.

- Some interest in addressing problems of aging populations but not senior housing
- Not a lot of interest in committee work or use of a community nonprofit
- Almost no interest in improving mailbox area
- Enforcement wanted
- Interest in lighting ordinance
- Dissatisfaction with roads

Rau outlined his vision of the General Plan Report which would describe what goes on in the Town as a community beyond government concerns such as committees, library services and events, informal group activity, and community-wide events. He also expressed an intent to address what the government has been doing and to possibly include some reports and visions from the Roads Department and others within the Town.

- Discussion regarding Grand County Building Department procedures for building permits that do not have zoning issues.

Thompson continued the discussion from the June PLUC Meeting about how to deal with building permit issues that the Grand County Building Department (GCBD) have not been directing to CV, such as new roof surfaces, replacing hot water heaters, etc. Thompson said that Ordinance 95-6 directs that everything that requires a GCBD permit requires our zoning approval. However, she has learned that GCBD get lots of building permit requests for CV that they think do not require zoning approval so they approve the permits without our signature. Thompson agrees that projects unaffected by zoning should not require Town approval (involving extra fees, paperwork, and staff expense).

Thompson suggested two approaches:

- Develop an informal agreement with GCBD and give them a list of the types of building permits that require our zoning approval.
- Change wording in Ordinances 95-6 and 85-3 plus the Building Permit Information Sheet and Fee Schedule to state when CV zoning authorization is required.

Duncan suggested starting with the Memorandum of Understanding (MOU) with GCBD.

Rau suggested Thompson begin by creating a list of which permits would require CV zoning authorization and sharing it with GCBD. He said the ordinances then can be changed as needed, if needed.

- **Other** - None.

NEW BUSINESS - None.

UNFINISHED BUSINESS - None.

4. **Closed Meeting (if needed)**- None.

ADJOURNMENT

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

Rau adjourned the Meeting at 7:35 P.M.

APPROVED:

ATTESTED:

Bill Rau, Chairperson

Date

Faylene Roth, PLUC Clerk

Date