



MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, November 2, 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: Laura Kamala

Clerk/Recorder: Faylene Roth

CALL TO ORDER

Rau called the Regular Meeting of the Planning and Land Use Commission (PLUC) to Order at 6:30 P.M.

1. Open Public Comment.

Laura Kamala spoke about two items:

- 1) She requested that the Town send a representative to next year's Department of Wildlife Resources (DWR) pre-season hunting meeting in Green River, Utah, to ensure that the Archery Only hunting designation around the Town's boundary is included in the printed set of rules that outline hunting regulations. According to Kamala, there was a spoken agreement between the DWR and the Town several years ago regarding the archery designation, but it still has not yet been placed in print. She said that DWR requires someone to attend the proclamation meeting to make the request. Fitzburgh suggested that the Town Clerk put a reminder in the calendar.
- 2) She also expressed concern about potential recreational development on the former State Institutional Trust lands (SITLA) outside Castle Valley which were transferred to the Bureau of Land Management (BLM) in the federal land swap negotiation she worked on for the Grand Canyon Trust. She said she has heard from Mayor Erley that the BLM felt they had some obligation to develop that land for recreational purposes because of the way the bill was titled. She feels strongly that campgrounds and trails in the upper Castle Valley area would negatively impact our watershed, wildlife habitat, and archaeological sites. She requested that the Town select a person to meet regularly with the BLM. Fitzburgh clarified the Town's jurisdiction on the 2000 acres within the Town boundary. She said it is zoned for single family dwellings only. According to Fitzburgh, there is another 3000 acres beyond the Town boundary. Fitzburgh hopes the Town's Water Study will show where surface water can contaminate ground water which will help with managing those lands. It is her understanding that camping is only allowed in designated campgrounds which would include the Castleton Tower campground the [Rock Castle] campground off the loop road. Anderson said that he is already in frequent contact with the BLM office and would be interested in serving as the Town's liaison with BLM. Kamala said she would provide additional background information if requested.



2. Approval of Minutes.

Regular Meeting of October 5, 2016.

Fitzburgh moved to approve the Minutes of October 5, 2016, as presented. Hawkins seconded the Motion. Anderson, Fitzburgh, Hawkins, Holland, and Rau approved the Motion. The Motion passed unanimously.

3. Reports.

Correspondence – None.

Town Council Meeting – Fitzburgh.

Roth reported that Mayor Erley had attended a meeting with Rocky Mountain Power (RMP) and had received an update from a RMP local official about maintenance and replacement of 51 power poles across the LaSals. According to Erley, Colin Fryer and Bob O'Brien were at the meeting and informed RMP officials that the resorts and the Town of CV are hurt by the power outages that occur. They were assured that RMP's CEO would take this criticism seriously. Dave Erley also said it was important to keep the area clear of fire.

Roth also reported that John Groo told the TC that Kolm, et al, who conducted the Town Water Study were very comfortable in addressing the issues that had been brought up about the Town Water Study.

She reported that Council Member O'Brien had attended the meeting in Moab with the Housing Task Force and Park City officials. According to O'Brien, the participants discussed grandfathering issues, permanent rentals, and B & Bs.

According to Roth, Council Member Drogin reported that the Fiber Optics Internet Committee had met with Mike Giles and Steve Long of Frontier Communications. They told the Committee that CV was not yet greenlighted for their fiber optics grants. Our community is about the right size and offers some other advantages, but they are looking at other rural communities in Utah, such as one in Box Elder County. The TC authorized Drogin and FOIC Member Pamela Gibson to attend a broadband conference to be held in Salt Lake City.

County Resource Management Plan (CRMP) Report – Rau

Rau reported that Rural Community Consultants held a meeting in September with the Grand County Planning Commission to discuss the best way to meet legislative mandate and to create a CRMP that is useful to the community. They are currently designing communication portals for their website and setting a meeting schedule to use for the remainder of the process. They are completing their review of existing planning documents, data and gaps in understanding. Rau reported that he has written to Grand County Community Development Director Zacharia Levine to remind him to be sure that Castle Valley interests are included in the plan and to be sure that the consultants are aware of documents we have that could be useful in addressing CV's interests.

Permit Agent – Roth.

Roth reported that a building permit for a residence on Lot 361 in the upper 80 was issued with a Temporary Dwelling Permit and a routine-Decommissioning Contract for a small trailer. A septic permit was also issued for Lot 322 on Keogh.

Roth reported that new property owners on Miller had hired someone to demolish a single-wide trailer on their lot who was burying the debris in a 10-12 foot pit on the lot. She said that she had contacted Building Inspector Jeff Whitney and State Sanitarian Orion Rogers. Both said that there were no County or State laws to prohibit burial of construction



debris. She said she had also informed Mayor Erley and Council Member Hill, but that Erley was out of town. Roth reported she then spoke with Fitzburgh and they consulted the Land Use and Watershed Ordinances.

Fitzburgh reported that Ordinance 85-3 Section 8 says that trash and refuse cannot be accumulated if it is visible from the street, a threat to public health or safety or to the Castle Valley watershed. The Watershed Protection Ordinance Section 4.2, she said, specifically prohibits burial of such debris. She also expressed concern about the instability of the soil with something that large buried that deep. She and Hawkins noted it could cause future problems from formaldehydes, asbestos, and other toxins.

Roth reported that she had called the owners and told them to stop the activity and that the material would have to be removed from the property. The owner later called and told Roth she had left a message that she had notified the person doing the work and that "it was taken care of."

Rau reported that transfer of the material has continued. Fitzburgh thought the Town should issue a cease and desist order.

The PLUC asked Roth to call the owners again and let them know we have continued to receive complaints that the material is still being put into hole and to review the watershed ordinance with them.

Rau referenced the Utah Division of Air Quality document in their binders which requires an inspection for asbestos before any demolition is done.

Since the Mayor is out of Town, the PLUC requested that Roth let the owners know they are in violation of a Town ordinance and ask them if they have obtained an asbestos inspection report and to let them know the situation must be corrected before they obtain a building permit and that they should call the Town if they have further questions.

Roth presented a request from Kyle Yelderman, Lot 431, to install solar panels on the roof of a barn on his property. The barn was built by an earlier property owner in 1981 with legal setbacks at the time from the existing fence. After Yelderman had the property surveyed, it showed that the fence was misplaced which put the barn out of compliance with the current setbacks, making it a noncomplying structure.

PLUC Members reviewed the language in Ordinance 85-3 Section 6.3.A. They discussed whether this would "increase the degree of the existing noncompliance of all or any part of such structure" since no part of it (except perhaps one corner) is beyond the current 30-foot setback. Anderson noted that Ordinance 85-3 Section 6.3.A would allow re-roofing of the structure. Fitzburgh referred to the current requirement that any new solar installation meet the 30-foot setback. Hawkins suggested that a variance might apply in this situation. Holland noted that the roof mount would decrease the impact. PLUC Members generally agreed that the request could be a good case for a variance. They suggested he submit a request to the Town's Appeal Authority, Zacharia Levine.

Procedural Matters.

Rau proposed, based on Public Comment, that the PLUC recommend the Town Council appoint a representative to interact with the BLM on its property outside the Town Boundary but within the watershed to ensure that the uses safeguard our watershed. Ryan Anderson volunteered to be that appointee.

Roth will draft a revision of the Resolution to Establish a Procedure for the Adoption of Planning and Land Use Commission Meeting Minutes for the next Meeting.



Rau requested that the PLUC reiterate its previous request that the Town Council send a two-page mailer to new property owners highlighting key zoning issues. Fitzburgh will provide the draft prepared by the PLUC.

NEW BUSINESS

4. Discussion and possible action re: Meeting Dates for 2017.

Anderson moved to adopt the proposed calendar for 2017 to meet the first Wednesday of each month. Fitzburgh seconded the Motion. Anderson, Fitzburgh, Hawkins, Holland, and Rau approved the Motion. The Motion passed unanimously.

5. Discussion re: upcoming conditional use permit (CUP) and business license renewals.

Roth presented a list of current CUP and business license recipients who received renewal requests for 2017. She asked if PLUC Members had any questions or concerns about any of the applicants so that they could be addressed before the December PLUC Meeting when renewals are recommended to the Town Council for approval. Fitzburgh asked whether any permit holders require annual inspections. Roth said that the only business that now gets an annual inspection is the Castle Valley Inn. She said that Fullam Fireworks and Nunn Better Meats both get inspection certificates from the State of Utah. Both are current.

6. Discussion re: recommending the TC investigate the feasibility of a community solar system.

Rau said that he originated this request as an outgrowth of the proposed solar ordinance amendments and after hearing interest from residents about community solar. He thinks the Town Council would need to sponsor a feasibility study to know whether there is potential for this in Castle Valley. Fitzburgh said that Bruce Keeler had done some earlier research on community projects as the Town's Alternative Energy Information Officer and found them not to be feasible. Anderson noted that there have been lots of recent changes in this field. Both he and Holland said they were aware of regional successes and efforts to establish community solar projects. Hawkins said that existing distribution lines are essential in order for these projects to be viable. Fitzburgh observed that an energy cooperative would not be allowed as the Ordinance now reads. Small neighborhood groupings would be permitted. Anderson said that Rocky Mountain Power is sponsoring some community projects, while the State legislature has proposed bills that would curtail them. Rau agreed to initially spearhead further discussion within the PLUC. He will report back at the January 2017 Meeting.

UNFINISHED BUSINESS

7. Discussion and possible action re: updating Ordinance 2011-1 to adopt the most recent building codes used by Grand County (tabled).

Fitzburgh moved to untable Item 7. Anderson seconded the Motion. Anderson, Fitzburgh, Hawkins, Holland, and Rau approved the Motion. The Motion passed unanimously.

Fitzburgh offered to review the Grand County Ordinance and further investigate how the Town can align its Ordinance with the County and State codes.

Fitzburgh moved to retable Item 7. Anderson seconded the Motion. Anderson, Fitzburgh, Hawkins, Holland, and Rau approved the Motion. The Motion passed unanimously.

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

Anderson moved to untable Item 8. Fitzburgh seconded the Motion. Anderson, Fitzburgh, Hawkins, Holland, and Rau approved the Motion. The Motion passed unanimously.

Fitzburgh reported that Attorney Craig Call does not have time to review the Solar Ordinance amendments; he did offer to recommend someone with land-use experience. Fitzburgh said the options were to ask Call whom he would recommend or to ask Moab Attorney Christina Sloan whom the Town frequently uses and who does have some land-use experience. PLUC Members agreed they were ready to move forward with the amendments and asked Fitzburgh to get Call's recommendation and submit the amendments to that person unless there would be a long delay in getting a decision, in which case she should contact Sloan.

Hawkins moved to retable Item 8. Anderson seconded the Motion. Anderson, Fitzburgh, Hawkins, Holland, and Rau approved the Motion. The Motion passed unanimously.

9. Discussion re: future amendments to Ordinance 85-3 (tabled).

10. Closed Meeting – None.

ADJOURNMENT

Fitzburgh 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 8:29 P.M.

APPROVED:

ATTESTED:

Bill Rau, Chairperson

Date

Faylene Roth, PLUC Clerk

Date

APPROVED