



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

**Date:** Wednesday, July 7, 2021

**Time:** 6:30 PM

**Place:** Electronic Meeting Due to COVID-19

**Electronic Meeting Determination**

Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. § 54-2-207(4), Ryan Anderson, Chairman of the Town of Castle Valley Planning and Land Use Commission issues this Determination supporting the decision to convene an electronic meeting of the Planning and Land Use Commission via Conference Call without a physical anchor location. Due to the COVID-19 pandemic Meetings at the anchor site may present substantial risk to public health and safety. Taking into consideration public health orders limiting in-person gatherings, the average "at risk" age of Town residents and the limited space in the Town building, the Planning and Land Use Commission will continue to hold meetings by electronic means. This determination expires 30 days after the day on which the Chairman has made the determination. The public can join the Conference Call Meetings or submit comments through emails.

Commission Members Present: Ryan Anderson, Julie Baird, Marie Hawkins, Colleen Thompson, and Jeff Whitney.

Absent: None

Others Present: Mayor Duncan, Matt Langer.

Clerk: Jocelyn Buck & Jessica Maw

**CALL TO ORDER**

Chairman Ryan Anderson called the Meeting to order at 6:31 PM and delivered the Determination, and Buck took roll call.

1. Open Public Comment: Matt Langer asks about one line of last month's PLUC meeting minutes quote Ryan Anderson asked the PLUC to "form a task force for livestock best practices." Matt asks who is the primary stakeholder of the task force? Who requested it? Does it involve residents, town council, or PLUC? What is the scope? What problem is it trying to solve? Who does it serve? What are the metrics for success? What form would the work come in, such as an ordinance or advisory? Matt advises section 96.1 waters and protection ordinance already includes language, and 85.3 goes over livestock management. What could task force add that isn't already covered by existing ordinance?

Ryan asks Matt to please send questions in writing so all of the points brought up can be address. More generally, we're in the process of creating task force, so the intention was to probably move forward with it. Ryan encourages Matt to be a participant on the task force if it moves forward.

2. Approval of Minutes from March 4, 2021 and June 2, 2021 meetings.

Baird moved to approve the Minutes from March 4, 2021, Whitney seconded, motion passed unanimously. Thompson moved to approve the Minutes from June 2, 2021, Baird seconded, motion passed unanimously.

3. Correspondence: None

4. Town Council Meeting(s) – Thompson- Tory reported Book Cliffs Highway is up again, 3 upcoming town council seats, Jazmine, OB, and Harry. There was discussion about downsizing gourd festival, but its been cancelled. COVID money is available from the League of Cities and Towns and we can get advice from them for \$250. Council decided to figure it out themselves. New toilets for town hall are a possibility. Mayor got a raise from \$500 to \$750. Non-conforming fence on Lot 224 has been approved after discussion. HB 82 discussion and action: Council sent direction to PLUC. State is allowing municipalities to oppose some restrictions, Council would like PLUC to restrict as much as we can. 85-3

designates who can sign drainage reviews. Currently looking for a road supervisor, Mingo is leading. Agreed to administratively change the process, Building Permit Agent can now also sign drainage review. Colleen will consult with others on situations she's unsure. Jeff will see if our current review abides by Utah law. Event permits discussion - Council is leaning toward coming up with guidelines for applicants (e.g. portapotties). May seek advice from Health Department for advice on septic use during events.

5. Building Permit Agent Report — Submitted by Thompson.

6. Procedural Matters: Update on dark sky outdoor lighting ordinance given by Colleen. Draft has been finished and sent by Jocelyn to IDA representative for comments. However, Jocelyn will send to PLUC this week for review as IDA representative is out until August. No questions from PLUC for now.

### **NEW BUSINESS**

7. Discussion and possible action re: shipping containers. Colleen states as BPA, it wasn't the intent to limit or restrict, only to make sure it is explicit in ordinance that town is made aware in order to have setbacks maintained, for drainage review, and included in lot coverage. Recommendation to remove wood flooring due to chemicals it's treated with. County doesn't issue permits, just zoning approval. County does require portable sheds to be anchored, we should include language regarding this. Proposed language was presented by Colleen. Jeff states building department wouldn't consider it a building unless it's used for other than storage. Colleen says containers shouldn't stack without engineering, can't be buried, but maybe don't need to mention that language in the ordinance. They should only be used for storage, not occupying. Building permit kicks in if power is ran to the container. Jocelyn asks: do we need to put in language specifically about drainage and/or anchoring? Colleen: no because part of process is drainage review. Jeff says no need to anchor with the wind loads we have. Ryan asks are shipping containers and sheds apart of lot coverage? Colleen confirms they are. We should discourage stacking, no need if used for storage. Jeff states temporary structures should not be considered in lot coverage. Marie says containers are substantial, and if multiples are used, they could become an eyesore. Jeff states people disagree on aesthetics, a limit on number of containers is a bigger issue to be clarified in ordinance language. Number of containers language should come first. Colleen says as BPA, containers moved onto property for storage should be considered same as a shed, where lot coverage is affected. Jeff states full permit process is needed if container is converted to office or living space. Julie is comfortable with how language is drafted, but other issues could come later. Baird moved for the PLUC to amend the proposed language of the ordinance; Whitney seconded, the motion passed unanimously.

8. Discussion on HB 82 – Ryan states per email from Jazmine dated 6/17: Council would like PLUC to create separate section (see email). Legal counsel has been contacted.

Jeff states no kitchen allowed in outbuilding as long as it's not permitted as part of the original home. Several times remote bedrooms have been approved. Be cautious about language, believes remote buildings are a part of original home. Residents could add on to existing home as long as within lot coverage requirements. Allowed to regulate permitting re: business license. There's a Health & safety concern for separate units to use same air. Required parking doesn't pertain because we don't have that in ordinance. Colleen advises per Utah League of Cities and Towns, separate structures don't fall under this new law. Marie says that boils down to the definition of building footprint. Colleen says we could possibly change the ordinance about second kitchens. Health department needs to sign off on septic, which is regulated by number of bedrooms. Jeff says the town can require written agreement that if it's used as anything but a month to month rent, town can lien property. Ryan states the building license should give oversight to that issue. Colleen says the main area of building needs to be occupied by main owner.

Ryan says one idea as a benefit to this new is the town's aging population. This could help aging in place easier.

Jessica will look into how Salt Lake City is handling this law in regards to its own ordinances.

Colleen advises if we don't do this by October 1, anyone who does this is "grandfathered" and we have no control on that property. Ryan advises the requirements we create should be under 85-3.

Colleen says there currently is no rule for a no roommate housing situation, and this is just a step beyond that. Can enforce Air BNB rule by using ads as evidence. Jeff states that could indicate if the owner is violating terms of building permit. Ryan asks how difficult is enforcement? Jeff answers: short term, Travel Council tracks Air BNB sites for tax purposes. We could get them to help us. Colleen says she checks periodically. All rental agreements specify 25-30 day minimum. Jeff says but a renter could get out of the rental agreement next day, so violating the spirit of the rule.

Ryan says we will go forward using the experience from Jeff and Colleen, along with doing some research into other communities on how they're handling it. Jeff proposes borrowing the language Grand County uses in their draft. Colleen advises we consider how this new law may affect traffic, fire, damage to roads, etc. Ryan states we must also consider the town's local control and self-determination per our history. Mayor and town council is inline with that. Now we must determine how to handle the new law within our own community. PLUC is to create a list for points of biggest concern, mostly outlined in email from Mayor Duncan.

Jessica will research Salt Lake City ADU requirements/limitations. Jeff will work with Grand County. Colleen will create list of possible requirements to consider. Julie will help review the proposed language.

No other immediate action.

**UNFINISHED BUSINESS**

9. None

**CLOSED MEETING**

10. If Necessary

**ADJOURNMENT**

Whitney moved to adjourn, Baird seconded, motion passed unanimously

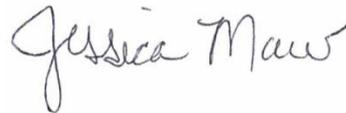
Ryan Anderson (Chairman) adjourned the Meeting at 7:59 PM

Approved:



Ryan Anderson – Chair

Attested:



Jessica Maw – PLUC Clerk