

MINUTES  
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, December 7, 2016

Time: 6:30 PM

Place: #2 CV Drive, Castle Valley Community Center

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

Members Absent: None

Others Present: None

**CALL TO ORDER**

Rau called the Regular Meeting of the Planning and Land Use Commission (PLUC) to order at 6:35 P.M.

1. **Open Public Comment** - None.
2. **Approval of minutes.**

**Regular Meeting of November 2, 2016.**

Fitzburgh moved to approve the Minutes of November 2, 2016, as presented. Anderson seconded the Motion. Anderson, Fitzburgh, Hawkins, Holland, and Rau approved the Motion. The Motion passed unanimously.

3. **Reports.**

**Correspondence** – None.

**Town Council (TC) Meeting** – Fitzburgh.

Fitzburgh reported that the new Ordinance outlining the Water User Agreement form is now available for review in draft form. She said that the Town received a determination from an attorney that it is not a land-use issue, so the PLUC will not have to be involved in reviewing the ordinance which will codify the water user agreement. According to Fitzburgh, the Town also was granted Cooperating Status with the U.S. Forest Service. She also reported that Mark Simmons, the contractor who had been hired to dispose of the trailer debris for the owners of Lot 224, attended the TC Meeting and described how he disposed of it and gave a brief history of debris burials within the Valley. The Town is working on a settlement with the lot owners for violation of an ordinance. According to Fitzburgh, the general sentiment of Council Members was not to have it dug up, but they do want to see that it is not repeated.

Rau reported that he had submitted a letter of request to the Mayor to renew his PLUC membership. He said that he has had an interview with the Mayor and expects his request to be considered at next week's Town Council Meeting.

**County Resource Management Plan Report** – None.

**Permit Agent** – Roth.

Roth submitted a Building Permit Agent Report for activity in November which included a rooftop solar permit on Lot 94, garage construction and temporary dwelling permit on Lot 55, and two revised Routine Conditional Use Permit (r-CUP)

applications. Leta Vaughn, Lot 43, added handyman services to her business and Wayne Newton had moved his business, Multavita, from Lot 186 to Lot 130.

Fitzburgh noted that routine conditional use permit (r-CUP) applications provide a 15-day period for immediate neighbors and others to respond. She said that the PLUC is the appeal authority for r-CUPS and would determine whether the business met the requirements of a r-CUP or should change to a non-routine CUP. Roth noted that nonroutine-CUPs receive about a three-week response period between the time letters of notification are sent and the date of the PLUC Meeting at which it is reviewed.

Holland asked for clarification of how Lot 440 was platted. Fitzburgh said that a portion of the lot extended across Castleton Road onto Bureau of Land Management (BLM) land and was located out of the Town Boundary. The major portion of the lot, including the current construction site, is within the Town Boundary.

Anderson asked whether yurts and teepees are considered dwellings. Fitzburgh said the Ordinance considers anything lived in to be a dwelling and allows them to be used as dwellings, but they could not be used as a second dwelling on a lot.

#### **Procedural Matters.**

Roth presented a revised copy of the Key Zoning Rules that the Town is mailing to all property owners next week along with a septic maintenance information sheet and a cover letter from the Mayor.

Roth presented a draft Ordinance to establish a policy and procedure for approval of written minutes for all public bodies within the Town of Castle Valley. She said it is based on a prior Resolution prepared by the PLUC, an administrative process created by the Town Council, and a model ordinance provided by the Utah League of Cities & Towns (ULCT). She asked PLUC Members to review it and provide feedback. Roth said that the Town Clerk and TC Members will also be reviewing it. Fitzburgh said that the draft should be passed on to the Town Council for their action.

#### **NEW BUSINESS**

##### **4. Discussion and possible action re: recommendation to the Town Council for approval of conditional use permit and business license renewals for 2017.**

Fitzburgh moved to recommend approval to the Town Council of the conditional use permit and business license renewals for 2017. Hawkins seconded the Motion. Anderson, Fitzburgh, Hawkins, Holland, and Rau approved the Motion. The Motion passed unanimously.

#### **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 table Item 7. Anderson seconded the Motion. Anderson, Fitzburgh, Hawkins, Holland, and Rau approved the Motion. The Motion passed unanimously.

Fitzburgh said that she had reviewed the Grand County Ordinance and the Moab City Ordinance before writing this ordinance to adopt the most current state building code. She noted that the State is now in charge of adopting and amending various international building codes for local governments. She said the State will reassess which building codes to adopt and amend each year. She said that she spoke with Jeff Whitney (Grand County Building Inspector) about her concerns regarding whether adopting this ordinance would

impose the strict fire and building codes of the County's Wildland Urban Interface (WUI) regulations on construction within Castle Valley. He told her that the WUI was not part of the Utah uniform building act and would not affect Castle Valley. Fitzburgh noted that municipality zoning regulations can be more restrictive than State construction codes but not less restrictive.

Hawkins questioned whether Section 4, which states, "All other ordinances or parts of ordinances in conflict herewith are hereby repealed," would conflict with the Town's zoning ordinances regulating height, square footage, etc. PLUC Members discussed the meaning of the phrase, which is also included in the Grand County and Moab ordinances, and the differences between the subject matter of this ordinance and the Town's zoning regulations. After discussion, PLUC Members agreed to have Roth consult Jeff Whitney regarding the meaning of this clause.

Fitzburgh noted that she had found a conflict between this Ordinance and Ordinance 85-3, Section 5.8 regarding permanent foundations. She provided a correction that would align it with the amended language and proposed that it be included in the Working draft amendments to 85-3 regarding the proposed solar amendments.

PLUC Members discussed the need for this Ordinance which allows the Grand County Building Inspector to serve Castle Valley. If Castle Valley wanted to adopt different building codes, the Town would have to hire its own building inspector which would be very expensive, according to Fitzburgh.

Hawkins asked why the phrase "collection of fees" was removed from the end of Section 1. PLUC Members observed that the phrase was used in both the Grand County and Moab ordinances. Roth will also consult Whitney about the reason for this phrase.

Rau said that any concerns from PLUC Members can be included as comments to the Town Council if and when the PLUC recommendation for approval is made.

PLUC Members decided to hold a Public Hearing at its February 2017 Meeting on the draft amendments to Ordinance 2011-1.

Anderson moved to retable Item 7. Hawkins 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).**

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

Fitzburgh reported that Craig Call has not responded to her request for referral of an attorney to review the enforcement language in the Ordinance. She said that she has contacted an attorney who works with ULCT. She is waiting for the attorney to confirm whether she can review the language within the Town's \$500.00 budget allowance. Fitzburgh said that she will consult local attorney, Christina Sloan, next week if the ULCT attorney is unable to do it.

Fitzburgh moved to retable Item 8. Hawkins 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 (if needed) – None.**

ADJOURNMENT

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

Rau adjourned the Meeting at 7:55 P.M.

**APPROVED:**

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Bill Rau, Chairperson

Date

**ATTESTED:**

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Faylene Roth, PLUC Clerk

Date

APPROVED