

MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, August 2, 2017
Time: 6:30 PM
Place: #2 CV Drive, Castle Valley Community Center

Present: Ryan Anderson, Mary Beth Fitzburgh, Marie Hawkins, Harry Holland
Absent: Bill Rau
Others Present: Russ Cooper
Clerk/Recorder: Faylene Roth

REGULAR MEETING

1. Call to Order.

Fitzburgh called the Regular Meeting of the Planning and Land Use Commission (PLUC) on August 2, 2017, to Order at 6:31 P.M.

2. Open Public Comment –None

3. Approval of minutes.

Regular Meeting of July 5, 2017.

Anderson moved to approve the Minutes of July 5, 2017, as presented. Holland seconded the Motion. Anderson, Fitzburgh, Hawkins, and Holland approved the Motion. The Motion passed unanimously.

4. Reports.

Correspondence – None.

Town Council Meeting – Fitzburgh.

Fitzburgh reported that the PLUC request for guidance from the Town Council (TC) regarding short-term rentals was submitted to the TC at their last Meeting. She said that Council Member Hill was the only one who responded. Hill's concern was that increasing the minimum rental period to more than 30 days would be a disservice to property owners who rent their property legally by reducing their flexibility in finding suitable renters. According to Fitzburgh, Hill suggested that enforcement of existing rules would be preferred over a change in policy. She reported that the topic will remain open for discussion at the next TC Meeting. Fitzburgh said that she and Rau thought the PLUC could drop this item from its Agenda until the TC asked for further consideration. She said that she did talk with Mayor Erley after the Meeting about the potential impact on the community that could change the quality of life in Castle Valley if short-term rentals were not controlled. She also reported her suggested to the Mayor that it could be important to have regulations in place if the State follows through on passing a law that prohibits towns from outlawing Bed & Breakfast establishments. Regarding enforcement, she mentioned that Grand County now has an enforcement officer.

Fitzburgh read into the record a transcript of the communication with Rocky Mountain Power (RMP) at the last TC Meeting regarding RMP policies for grid-tie solar systems, net-metering systems, and qualifying facilities. The transcript is attached at the end of this document.

Fitzburgh introduced Russ Cooper who was announced as the new Building Permit Agent at the last TC Meeting. She noted that Cooper will be attending PLUC Meetings.

County Resource Management Plan Report – No Report.

Permit Agent – Cooper/Roth.

Permit Activity.

Roth reported on the building permit for a kitchen addition on Lot 420. She said that the addition had been permitted by the previous owner but left unfinished. The new owner applied for a new permit to finish the addition.

Cooper reported on the site review he performed on Lot 301 for a residence which revealed the need to confirm that wells are properly located. He said that he had talked with Mayor Erley about the issue. According to Cooper, a 7.2 kW grid-tie solar system was approved for Lot 373 as well as a routine-Conditional Use Permit for an online clothing business for Lot 19.

Procedural Matters- None.



NEW BUSINESS

5. Discussion and possible action re: amendments to Ordinance 95 - 6 regarding solar energy systems.

PLUC Members made revisions to the routine solar permit application draft to align it with the amendments to Ordinance 85-3. Roth will incorporate changes into a revised draft to review at the next PLUC Meeting. She will also draft a nonroutine solar permit application for review. She will send the drafts to PLUC Members in advance of the next Meeting. Cooper will research safe disposal procedures for old or damaged solar modules.

Fitzburgh presented a draft of proposed amendments to Ordinance 95-6 to align it with recent solar amendments to Ordinance 85-3. PLUC Members agreed to include a reference to electrical permit applications.

PLUC Members agreed to hold a Public Hearing regarding these amendments at their September 6, 2017, Meeting. Roth will post the Public Hearing in the Moab Times Independent and other required sites. Fitzburgh will prepare a revised draft of the amendments for Roth to post on the Town website.

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

UNFINISHED BUSINESS

6. Discussion and possible action re: requiring a Town permit for special events on property owner's lots (tabled).

Holland moved to untable Item 6. Anderson seconded the Motion. Anderson, Fitzburgh, Hawkins, and Holland approved the Motion. The Motion passed unanimously.

Holland expressed his concern about the impact on septic systems that could result from large events within Castle Valley. He said that an Ordinance would allow the Town to require porta potties for these events.

Anderson moved to retable Item 6. Hawkins seconded the Motion. Anderson, Fitzburgh, Hawkins, and Holland approved the Motion. The Motion passed unanimously.

7. Discussion and possible action re: amendments to Ordinance 85-3 to extend the minimum rental period and require a business license for renting residential property (tabled).

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

PLUC Members agreed to drop this Item from the Agenda until further notice from the Town Council.

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

9. Closed Meeting - None.

ADJOURNMENT

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

Fitzburgh adjourned the Meeting at 8:04 P.M.

ADDENDUM: Transcript of 7-19-17 communication with Rocky Mountain Power representatives.

**TRANSCRIPT FROM ROCKY MOUNTAIN POWER AT TOWN COUNCIL MEETING
ON 7/19/17**

Bill - If I have a set of solar panels in my yard, can I tie to the grid without a net metering?

RMP - Yes. You could. Its expensive but you can.

Bill - So I would need a special permit from RMP?



RMP - You'd have to make a special request. So we have what we call schedule 37 which is the QF, qualifying facility schedule that we talked about earlier. There's an 80 megawatt limit on the high end but there is no limit on the bottom. So It can be as small a project as you can if you wanted to tie it the grid and we would buy it from you if it was a qualifying facility.

Mayor - You would do the engineering to see what it would take to tie in and those costs would be responsible by the....

RMP - the developer. And if there's upgrades to the network then they're responsible for those too.

Dave - and is it typical for such a producer to come to you with a completed project before even coming to you or would it be normal to have a discussion going through the process?

RMP - Would be extremely important to have that discussion before. Because if somebody just shows up at our door and says, I built this project and I want to connect it to the grid, that's probably going to increase their costs quite a bit. We would still probably buy it. I mean we wouldn't tell them we wouldn't buy it, its just, at that point if they've not been able to plan it properly, and we have not been able to plan properly, so we have to go back to square one, the project could sit there for a year while we finish this study and go through it, the construction needs to be approved and there's another cost that somebody has to... the developer has to bear, and construction wise it could be six months to get it built depending on what needs to be done, and so its just not wise to start a project without talking to us first.

Bill - Is it possible to be tied to the grid at less power then is being generated by my solar system. I'm generating 50 kW, but I only want to put 25 kW into the grid. Can I do that?

(RMP) Yeah, I think so.

Dave - And then they're consuming the other 25 on site.

RMP - Which is what net metering does.

Dave - But at the end of the year you were hoping that was gonna be fairly close to zero both ways, where as somebody has a 50 kW system and they're producing 25 constantly, they're not net metering. That's not the intention.

RMP - Right. They're not going to be in compliance with our net metering policy. They're going to have more energy that they are producing. It could be on this qualifying facility. Again, I don't want you to go away thinking you know that there aren't challenges to that because you know, economies of scale create costs savings or cost increases, so when your talking about, when we're buying an 80 megawatt project, that has a different cost basis to it then if your buying 200kW or 20 kW. So you just would want to think through that and again Mayor to your point, if that's a request that you want to make as an individual developer, you should get with us sooner than later because there are complications to that, that we can work through, but we would just have to talk about it upfront. Look at our schedule 37 online and that will give you some information.

Dave - But I would imagine that in such a situation, that normally the land use authorities would be brought into the discussion also and so they aren't blindsided at the 11th hour by everybody.

RMP - Every project I am aware of, has permitting processes that have to be gone through.

MB - So I just wanted follow up. I'm just trying to understand what you just said. So, it would be a qualifying facility that RMP would buy, would purchase?

RMP - Buy the energy. We don't buy the project. The project is still operated and maintained by the developer. We just buy the output.

MB - And the developer could just be an individual lot owner?

RMP - It could. Personally, I wouldn't recommend that, but its possible. It could happen that way.

MB - And do you have any idea right now what our current infrastructure can handle in terms of a qualifying facility?

RMP - Not without doing a study.



MB - So you have a limit though right now for grid tie for 25kW for residential and up to 2 megawatts for agricultural grid tied systems, is that correct? When I looked online, you have the three different tiers for net metering for residential and agricultural, is that correct?

RMP - I cannot confirm or deny that. I haven't looked at that for a while.

MB - Ok, but you wouldn't be able to let us know what our line can currently handle or not handle?

RMP - It would require that you make application and we study. It doesn't matter where you live, we must have an application and we must study it.

MB - But somebody would not be able to install such a system without getting approval from RMP first?

RMP - Absolutely. For one thing it's the safety too. If we don't know that on your line you haven't grounded it properly or something, your power goes out, our lineman comes to work on something and all of a sudden he doesn't know that there's power back in that line.

MB - So this is a health and safety issue?

RMP - Absolutely. For not just our people but for the general public.

APPROVED:

ATTESTED:

Bill Rau, Chairperson

Date

Faylene Roth, PLUC Clerk

Date

APPROVED