

**MINUTES  
PLANNING & ZONING COMMISSION MEETING  
TOWN OF CASTLE VALLEY**

**Date:** Wednesday, May 11, 2005  
**Time:** 7:00 p.m.  
**Place:** Castle Valley Community Center

**Meeting called to order at 7:10 PM.**

P&Z Commissioners present: Richard Schwartz, Pam Hackley, Michael Peck, Rick Lamb.

**Approval of Minutes of April 13, 2005, P&Z meeting.**

Pam asked whether the change made to the Fencing Ordinance needed to be in the April 13 minutes. It was determined that this change, whereby the diagrams of the fences were moved from a position after the signatures to become section 4 before the signatures, was actually made at a work session and not at the April 13 meeting. [Clerk's note: these May 11, 2005 minutes will now serve as the documentation of that decision.] The changed version of the Fencing Ordinance is the one that will now go before the Council.

**Minutes approved as written.**

**REPORTS**

1. **Building Permit Update.** The written report from Ron Mengel is included with these minutes. The P&Z will make note to check with Ron for an update on the State's new building department filing requirements. Ron is waiting to hear from Grand County that they will file on behalf of Castle Valley.
2. **Town Council Information and requests.** None.

**OLD BUSINESS**

3. **Discussion and possible action on Town Council request for recommendation on standards for fuel tank storage.** (Tabled.)

**Michael moved, and Pam seconded the motion, to take this item off of the table for discussion. Motion passed unanimously.**

Working from the Castle Valley Aquifer Protection draft that came from Pam & Michael as a draft for a Fuel Tank Storage Ordinance, the Commission discussed wording in each section and made changes. The original draft and the amended draft are included with these minutes.

Discussion of the intent of the ordinance included trying to craft an ordinance that would protect the watershed, and also to accommodate reasonable and legitimate fuel storage uses in Castle Valley and otherwise to allow residents to carry out their desired recreation or work projects on their lots.

Pam provided a draft nuisance ordinance from the Grand County planner that has a specific definition of "junk car". It also limits the number of non-functional vehicles to two unless the lot has been permitted as a salvage yard. The fuel storage issue was considered the most pertinent aspect in relation to this Castle Valley ordinance draft.

An explanation of the sections entitled "C. Conditional Uses" and "D. Permitted Uses" included that "conditional use" implies a requirement for a conditional use application with P&Z approval, just like one would need for a home business, and "permitted uses" are the boundaries for what is allowable.

The wording "approved container" is from the National fire code. It was agreed that an approved container would have a DOT, ASTN, or NFPA approval stamp on the bottom.

Propane/natural gas is not included in or regulated by this ordinance.

A line may be inserted to say that emergency vehicles are exempt.

Ron Mengel has expressed to Pam a willingness to help determine the amount of flammable liquid(s) that can safely be stored in various locations according to the fire code. Richard hopes to avoid adding too much complex technical language to the definitions. **Pam will check with Ron on storage amounts for flammable and combustible liquids.**

**Pam will also ask Ron about the number of fire extinguishers needed for combustible vs. flammable fuel storage.**

Discussion ensued about the right to inspect properties and what procedures would be followed in the inspection of new or existing fuel storage areas, i.e., how much notice, if any, should be given to property owners that an inspection would take place, who would inspect, etc.

Michael suggestion adding a section 7 to be entitled, "Property Owner Disclosure" stating "there shall also be a written & signed document from the property owner saying that all fuel tanks have been declared." The Commission did add this section and heading, but did not decide on the wording of the content.

There was agreement that the Utah code sources listed under "Section 9, Authority", need to be verified. **Pam will write up anything that she thinks applies to this section, and Michael will help via email on the verification.**

Under "Section 16, Definitions", **definitions will be added for "aquifer", "certified agent". Definitions that already exist for "aquifer" and "groundwater recharge area" in the Town of Castle Valley Groundwater Protection Ordinance will be used for this ordinance.**

It was agreed that certain sections may need to be reviewed by the Town's attorney.

Richard thanked Pam and Michael for their work in creating the current draft of this ordinance.

**Michael moved, and Pam seconded the motion, to table this item until the next P&Z meeting. Motion passed unanimously.**

#### NEW BUSINESS

#### **4. Discussion and possible action concerning a draft of a letter re: Lot Line Change Request for Lots 154 and 155.**

A draft of a letter to the owners of Lots 154 and 155 was discussed (draft included with these minutes). Richard expressed concern to avoid wording that implies that if you went to the Board of Adjustment they would be under some obligation to grant a variance. The avenue exists to request a variance, but there is no guarantee that the Board would grant it. To be included is: Property owners can request a set-back variance without any property line adjustment from the Board of Adjustment.

**Rebecca will create a letter with the changes. Richard will talk to Bruce about this.**

**5. Discussion and possible action concerning a draft of a letter re: Annexation Policy Plan.** A draft of a letter was discussed to the affected property owners, i.e., those with land adjacent to the Town who are eligible for annexation under the proposed plan (draft included with these minutes). No changes to the letter were suggested by the Commission. Rebecca reported that the State has affirmed that there is no required public hearing, so that wording will be changed simply to inform property owners of the meeting date when the Town Council is scheduled to adopt the ordinance. **Richard will check to make sure that the list or recipients for this letter is complete.** The list currently includes Utah Open Lands, SITLA, BLM, USFS, Colin Freyer and the Daystar Academy. A map may show who all of the affected private property owners are.

#### COMMUNICATIONS

#### **6. Report on County Junk Ordinance.**

Richard spoke with Judy Bane, who confirmed that the county is working on a draft of a junk ordinance, and Mary Hoffine has the working copy. It will be months before anything is done. The P&Z has been asked to keep them apprised of what the county is doing. Pam wondered whether this is something for the P&Z top begin working on. Richard says it is too early to work with their draft, although eventually CV may be able to adopt their ordinance if it has teeth. The Town has an old ordinance covering junk and nuisance that can be used.

Michael suggests sending official letters and notices with return receipts so that the Town knows their correspondence has been received. In some case the Town may need to be able to prove that notices were given.

Pam has a CD with all of the county ordinances that is updated from the one the Town has. **Pam will be reimbursed for the purchase expense.**

#### ADJOURNMENT:

**Michael moved and Pam seconded the motion to adjourn. Motion passed unanimously. Meeting adjourned at 9:28 PM.**