

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

**Date:** Wednesday, April 13, 2005  
**Time:** 7:00 p.m.  
**Place:** Castle Valley Community Center

**Meeting called to order** at 7:06 PM.

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

Others present: Ron Mengel, Mary Rees, Damian Bollermann, Jack Campbell.

Recorder: Rebecca Martin

**Approval of Minutes of February 9, 2005 Meeting.**

Richard suggested avoiding the phrase "general consensus", and replacing it in these minutes with "consensus."

Pam asked if New Business Item 7, re: Conditional Use permits for lots 331/314, Lot 89, and Lot 328 were followed through to completion since the February 9 meeting. Rebecca said that they all were settled as either paid in full or retired.

Re: the Open Public Comment Period, Pam asked that the phrase "skewed a lot line to establish the required building set-back" shall be replaced by "skewed a lot line in a minor way to establish the required building setback". Her notes indicated that this would reflect the actual wording used by speaker Jack Campbell at the February 9 meeting and would clarify that PGZ has not supported significant lot line changes.

**The February 9, 2005 Minutes stand approved with the minor changes discussed here.**

**March 9, 2005 Meeting Minutes.** Official notice of meeting cancellation was signed for the record.

**Pam moved, and Michael seconded, a motion to suspend the order of the agenda to bring item 5 ahead for the convenience of the public. Motion passed unanimously.**

**5. Lot 52, Conditional Use Permit Application.**

Comments from neighbors and from Commissioners were complimentary to the proposed conditional use. No objections or questions were raised. Richard specified that a set of standard conditions, which apply to all conditional uses, must be included with the permit as part of the process. The Clerk will include these standard conditions with the permit and also give a copy of these to Mary Rees.

**Michael moved and Rick seconded the motion to approve the conditional use permit for Lot 52 with the addition of the standard conditions clauses. All voted in favor,** and wished Mary good luck with her venture.

**REPORTS**

**1. Building Permit Update.**

Two written reports were submitted by Ron Mengel. Ron added that there is a new State requirement for the building department to enter our new construction information into their database. Ron checked with the county to avoid redundancy and learned that the county is filing these reports as of May 1, 2005. **Ron will pursue an agreement with the county, with the permission of the PGZ Commission, to have Grand County file building permits with the State on our behalf.** The Castle Valley building department will still GPS construction sites and issue certificates of occupancy, etc. **Ron will monitor the State register to make sure the county is following through.**

Ron commented that the certificate of occupancy process is running smoothly, and Ron is forwarding the information to Dave Vaughn.

Discussion ensued about the recent PGZ decision concerning small home repairs, i.e., that if a contractor is hired to perform repairs, then a permit is needed from the county, and if no contractor is hired, then no permit is required, unless directed otherwise

by the Town Council. Ron expressed general agreement with the decision and mentioned a safety concern if homeowners “do things beyond their capabilities,” especially with “self-installation stoves” and hot water heater replacement. He said that home owners should be advised to check with the Town in these cases to insure expert inspection, and noted that the fees are minimal. Michael Peck commented that the power or gas companies usually would come out to do such inspections, and that the Town/State would not normally be involved.

## **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.**

**Michael Peck moved and Pam and Rick seconded the motion to take this item off of the table. Motion passed unanimously.**

Richard acknowledged receipt of copies of a complaint on Lot 100 that is on the Town Council agenda for April 14. The complaint pertains to current issues of fuel tank storage standards, keeping the aquifer clean, vehicle and related product issues, as well as other zoning issues.

Pam found a model drinking water protection ordinance for the Town of Midvale. Although there are differences in intent and context, the Midvale ordinance has some useful wording and definitions to be used as examples. It made reference to Utah code in relation to herbicide/pesticide/fertilizer storage, residential underground storage tanks, RV waste disposal stations, etc. Mary Hoffine hasn't gotten back to Pam yet on whether the county has a similar ordinance. **Pam will extract the useful language from the Midvale ordinance, and from Amerigas/fuel deliverers' information from Michael, and help to come up with a draft by the May 11 P&Z meeting. Pam will also send the Midvale ordinance to the P&Z members.**

Discussion ensued about how this ordinance might tie in with the Town's watershed protection ordinance which deals with pollution as opposed to prevention, or tie in with aquifer protection in general. Issues brought up include remaining specific with the concept of the ordinance, defining the amount of storage that should/can be regulated, addressing how people dispose of products, and the disposal or recycling of oil and car products.

Jack Campbell commented that he has re-read the watershed protection policy and suggests that it should be revisited, perhaps by the Water Working Group. At the time it was written, the concerns were different than they are now. Pam commented that one valuable thing in that ordinance is the inclusive definition of the recharge area as the whole watershed.

Mary Rees commented that the Department of Environmental Quality (DEQ) has their own standards for fuel storage available through Jim Adamson. 660 gallons is the smallest point for DEQ & state level regulation, maybe for EPA standards as well. Ron commented that a municipality can set stricter standards. There was some discussion of the unknowns with how much of what types of pollutants it might take to pollute the water table. It was acknowledged that prevention is more valuable than trying to monitor storage tanks.

**Pam moved, and Rick seconded, to table this agenda until the next meeting. Motion passed unanimously.**

## **4. Discussion and possible action regarding property line adjustment between lots 154 and 155.**

Richard prefaced this topic saying that little has changed with this issue over the past few months. Richard spoke with Town Attorney, Jerry Kinghorn, on this. Richard paraphrased Kinghorn's opinion as “to change a property line and then to ask for a variance in order to accommodate a building site as a result of that change of property line is not something that can be done.” Richard said that there had been informal discussion saying that the P&Z would send a letter to the owners saying that a lot line adjustment would not ~~been~~ be approved, and that they could not create a building envelope by asking for a variance from that property line adjustment. He said it is entirely at the Town's discretion to make those kinds of property line adjustments and that so far there does not seem to be a compelling case for doing it.

**“The next step is to inform them that the map they have submitted and the idea that they are trying to pursue is not going to work.” Rick Lamb said to add the suggestion that they may still ask the Board of Adjustments for a simple set-back variance without any property line adjustment.** Jack says the situation would qualify if there is no possible building envelope and so there is a real need.

### **NEW BUSINESS**

## 6. Discussion and possible action concerning complaint for alleged zoning violation on Lot 100.

Bruce Keeler forwarded to Richard a packet of information on how the county can rectify certain zoning violations. A trailer has been moved onto lot 100. Michael Peck commented that this trailer was formerly on another Castle Valley lot and was moved because it was uninhabitable. Ron consulted Jeff Whitney who ~~sited~~ cited a set of issues including that this trailer is not connected to the other residence, it is too big for a storage shed, too small for something else. It was manufactured to be a home, but is too old.

**The P&Z received a copy of a formal complaint from the neighbors to the Town in the form of a petition.**

Grand County confirmed that Jess Nations is the owner of record for Lot 100. Discussion ensued. Jack added that Jess sold the lot to Robin years ago and that they haven't completed the transfer of title. Jess has stated to one of the neighbors that he doesn't own it, but holds a lien on it. Robin is said to be living on Lot 100. The larger picture was described as the increasing volume of "a lot of junk".

Ron requested that the P&Z read through his memo (attached) and give an opinion as to whether his assertions about violations to the current zoning ordinance appear correct. The memo is also being forwarded to the Town. The consensus was that the issues in Ron's memo and in the petition from the neighbors are relevant and that Ron's zoning interpretations were correct. Pam asked whether something could come from Jeff Whitney at the county level with which to approach Jess Nations. Ron said Jeff Whitney has offered to write something up. On Richard's suggestion, **Ron will wait to talk to Jeff Whitney until after the April 14 Town Council meeting.**

Discussion continued about various alleged violations on the lot, e.g., a setback violation, a multiple dwelling issue, no permitting for anything on the lot, records not indicating that anyone lives on the lot, the year of construction of the newly arrived trailer being pre-1976. Richard said that the reason the trailer had to be moved off of its last location was that it was, in fact, too old to be permitted as a dwelling, so if it is the same trailer, that remains a problem. Ron said no one can inspect it unless they enter the permitting process, and warns against going on supposition.

Damian commented on the process of dealing with zoning violations saying it's not the first time this has come up, and it has proved to be "a can of worms" with local friction, etc. One problem is a lack of enforcement options and no existing interlocal agreement. **Damian suggested putting together some kind of clean-up program like Joe Kingsley has set up in Moab.** One positive aspect he sees in this idea is that it is voluntary and does not rely on enforcement. People have discussed with Damian that they would like to have a way to get rid of the cars.

Michael noted that voluntary clean-up hasn't worked in this case. Richard said that the county process, as provided by Bruce (attached), does not involve the sheriff, but does involve administrative law judges and eventually leads to liens being filed against property. Discussion included that a lien may not amount to much to insure clean-up in this case, that there already is a lien on this property, that clean-up costs are clearly going to be significant, that there does need to be some way to deal with such issues - something with teeth, and the removal of impromptu junkyards as related to pollution problems.

Richard ended discussion saying that this is now already on the Town agenda and they are receiving the official complaint, so they may take action. **Richard suggests that the P&Z members each receive a copy of the county's clean-up plan.**

## COMMUNICATIONS

Complaint re: Lot 53 (attached).

Catherine Howells passed to Pam a 176 page document: from the 2005 Utah General Session of the Senate, re: "Local Land Use Development & Management Amendments". Catherine's suggestion was for the P&Z to go through it to compare it with current Castle Valley land use ordinances. **Pam will check with Catherine to see if the document is available by computer. If not, then Rebecca will make a copy that will remain on file, and then split the document and give a section to each P&Z member to begin the comparison work.** Jack suggested that perhaps Utah League of Cities and Towns may have a computer version available.

Pam suggests supplying **a copy of all of the ordinances for each P&Z member**, and that Jennifer had begun this process. **Rebecca will find the copies in process that Jennifer Mengel had created.** The ordinances thought to be most important to begin with were the subdivision ordinance, the zoning ordinance, and a few others.

## OPEN PUBLIC COMMENT PERIOD

Ron Mengel presented House Bill 146, passed in 2004. Part one concerned emergency services, and so only indirectly relates to Castle Valley. Part two concerned the building codes for the Town. Ron says the state wants to reduce its costs for fighting fires at the urban/wild interface. A mandate for building codes has been handed to the counties. Training and certifications will be required for people to fight fires, and Castle Valley is underway with completing training and certification for our fire department.

Ron suggests that this bill implies possible code requirements for building in Castle Valley, and changes in roads and turn-arounds. Since Castle Valley does not currently meet certain code requirements, it remains to be seen if this bill will make compliance compulsory.

Announcement: a public hearing will be held by UT Division of Water Rights, dealing with water appropriations in the Upper Basin, meeting in Moab, Thurs. April 21, 7PM, at the council chambers. Pam will create a PSA for the KZMU community calendar, and will pass that on to Richard.

Jack suggested changing the formatting of public notices to avoid confusion for the readers between the posting date and the actual meeting or hearing date.

Pam has noticed that the version of the Fencing ordinance amendment that is in the PGZ packets from the last meeting is still not the version with the final amendments typed in. It isn't the same as what the Council saw in the fall. The Council may have questions or confusions about the differences.

- 1) Section I, item a: the language "to exclude deer" was dropped out of the language
- 2) Italics and bolded areas are confusing
- 3) Item al: "documentation and/or personal water right" was the only addition

Pam suggests that there be a final review of amendments, once made by the PGZ, and before they go to the Town Council, to be sure that the details are actually lined out correctly. **Someone will have to check to make sure that the changed copy is the one before the Council.** The original version was adopted in March of '03, and then the Council has asked for changes to be made.

Richard suggested using Word's "track changes" option to show what detailed changes are made between versions of a document. **Rebecca will check to see if tracking versions, e.g., using strikethroughs etc., will work for the Council members.**

Rebecca commented that she can not tell for certain what changes have been made, and what version is the final one, from what she is finding in the computer files, so **she needs help from someone who was here when the various changes were made.** **Richard suggested that this can be cleared up at the April 14 Town Council meeting. Rebecca said she would pull the different versions off of the computer so that someone can identify which version is the one in question. Richard expects to be at the Council meeting to help sort out the versions.**

Richard has let the Council know that if they want further changes made in the future, there "is certainly stuff there to look at".

## ADJOURNMENT

**Michael moved, and Pam seconded the motion to adjourn the meeting. Motion passed unanimously.** Meeting adjourned at 8:27 PM.

## ATTACHMENTS

- Agenda
- Sign In sheet
- Draft Minutes February 9, 2005
- Final Minutes February 9, 2005
- Building report Jan/Feb 7, 2005
- Building Report March/April 6, 2005
- March 24, 2005, Dept. of Commerce letter Re: filing requirements
- County Clean-Up plan