



**MINUTES**  
**REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION**

Date: Wednesday, December 2, 2015

Time: 6:30 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Jocelyn Buck, Mary Beth Fitzburgh, Marie Hawkins, Bill Rau

Absent: None

Others Present: David Harris

Clerk/Recorder: Faylene Roth

**CALL TO ORDER**

Rau called the Regular Meeting of the Planning and Land Use Commission (PLUC) to Order at 6:32 P.M.

**1. Open Public Comment.**

David Harris announced he was attending the Meeting to observe in conjunction with his application for the PLUC vacancy. He said he was glad to be here.

**2. Approval of minutes.**

**Regular Meeting of November 4, 2015.**

Fitzburgh moved to approve the Minutes as presented. Buck seconded the Motion. Buck, Fitzburgh, and Rau approved the Motion. Hawkins was absent at this point. The Motion was approved unanimously amongst those Members present.

**3. Reports.**

**Correspondence**


PLUC Members reviewed a letter from Laura Cameron, a property owner on Taylor Lane, requesting an ordinance regarding non-plumbing sanitation systems. She expressed her concern about the increasing number of yurts being used on properties on upper Taylor without any officially approved sanitation systems. Cameron included a segment of an ordinance for an agriculture/forestry zoning district in Wisconsin that delineated acceptable non-plumbing sanitation options for living/camping structures that have no interior plumbing.

Hawkins arrived as PLUC Members were reviewing the letter of correspondence.

Fitzburgh responded to the letter by saying it is a good idea to provide guidelines to properties that do not put in septic systems, and that it is up to the Health Department to approve alternative systems. She asked Roth to contact Orion Rogers, Southeastern Utah Sanitation Officer, to inquire whether there are any state-approved alternative sanitation options. Fitzburgh noted that the current Ordinance 85-3 does require recreational vehicles to use a self-contained waste system if not hooked into a septic tank. She said that the Town Website also states that anyone camping on their lot must be responsible for removing sanitary waste from the property.

Buck agreed that the PLUC should examine this issue since yurts are seen as a cost-effective way of developing property. Fitzburgh said that yurts are not inspected by the Grand County Building Department. Castle Valley considers use of a yurt as camping. Accordingly, she said, if the Town issues permits for yurts without safety inspections it could raise liability issues.

Fitzburgh noted that the Town's Watershed Protection Ordinance 96-1 does cover this situation in Section 3.7 which states:



"4.6 Sanitary Sewage Disposal System Required. Any person who owns, operates, maintains or permits the of any house, cottage, cabin or human habitation or camping place shall be required to provide and maintain a sewage disposal system satisfactory to the Utah State Sanitarian, and upon his failure so to do, the Utah State Sanitarian shall close, seal, and prevent the use of such house, cabin, or human habitation or camping place."

Roth, CV Building Permit Agent, said that this information should be included in the Town's Building Permit Agent Procedure Outline and in the Building Information Sheet provided on the Town website and in the building information packet.

PLUC Members discussed a variety of responses, including a non-plumbing sanitary permit, sending updates on key zoning issues to new property owners, all property owners, and/or realtors. The cost of a bulk mailing of a letter or postcard and who would bear the expense was discussed.

Roth described the current method used by Town staff to identify new owners which depends on new owners contacting the Town or asking for building permit information, returned mail, and periodic updates from the County Recorder's Office. Fitzburgh asked Roth to contact the Recorders Office to see if they would inform the Town whenever property in Castle Valley is sold, and if they won't then for Roth to go periodically to their office to get this information.

Rau asked that the Town Council provide input to the PLUC Report at the next Town Council Meeting about ways to keep property owners informed of zoning issues.

Fitzburgh will email PLUC Members a list of key zoning rules for new, or all, property owners. She asked for review and comments from PLUC Members.

#### **Town Council (TC) Meeting.**

Fitzburgh also reported that an initial report on the Town's Water Study was presented at the last Council Meeting. A copy of the Power Point slides are available for viewing at the Town Office and at the Castle Valley Library. Fitzburgh also reported that the TC approved the Hazard Mitigation Plan and that David Harris has applied for the PLUC vacancy.

#### **Hazard Mitigation Committee (HMC).**

Rau reported that the TC approved and accepted the Hazard Mitigation Plan. He said the Plan culminates two years of good work by the HMC and apparently goes beyond what many municipalities have prepared. The next step, he said, is to prepare an operational plan which Council Member Duncan will take on next year.

#### **Permit Agent.**

Roth presented November permit activity which include a Certificate of Occupancy, an electrical permit, a septic permit, a building permit for a shed with carport, and a building permit for a portable pre-fab shed.


#### **Procedural Matters.**

Rau announced that he will stand for chair for next year unless challenged.

### **NEW BUSINESS**

#### **4. Discussion and possible action re: recommendations to the Town Council for approval of conditional use permit (CUP) and business license renewals for 2016.**

Roth presented the lists of CUP renewals and business license requests for 2016. Fitzburgh noted that Premise Occupation should be changed to Premises Occupation and noted that the Type of CUP (Home or Premises) does not always appear in the list. Roth will investigate and correct the missing information and request that John Groo correct the spelling on the database.



Fitzburgh moved that the PLUC recommend the renewal of the Conditional Use Permits listed with “premise” changed to “premises” and the renewal of the Business Licenses as presented. Buck seconded the Motion. Buck, Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

### **UNFINISHED**

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

**6. Discussion and possible action re: regulations for solar panels, windmills, and other alternative energy structures (tabled).**

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

Fitzburgh presented proposed language in the Definitions section and in Section 4.15 related to solar installations. She asked for feedback.

PLUC Members discussed wording in Item 4.15.A(8) about height requirements involving pitch, height above roof, and maximum height. They also discussed preferences for ground , and shielding. Fitzburgh commented that the intent of most ordinances is to encourage solar. She said that some ordinances give rated preferences to solutions to problems such as shading. She did not think, from what she has read from a report to the city of Denver on the issue, that prohibiting solar projects for aesthetic reasons alone would have solid legal standing.

Fitzburgh pointed to language in the proposed definition for Solar Energy Systems and in the opening paragraph of Section 4.15 that limit solar systems to an accessory use on the property. She said that would limit solar installations to single lots for residential and agricultural uses and prohibit solar farms and solar co-op systems. She referred to an earlier investigation by Bruce Keeler which indicated that the distances between residences in Castle Valley would make co-op systems inefficient. Further discussion covered the possibility of restricting routine approvals to systems under 9kW and requiring PLUC approval for larger systems. Fitzburgh clarified that the references in Section 4.15.5 to Sections 5.3 and 5.2 refer to current height and setback requirements.

Fitzburgh said that the language in 4.15.4 regarding dismantling and removal of systems that are not in working order was taken from a Fort Collins, CO, ordinance and was based on regulations in the International Building Code which are followed by the Grand County Building Department. There was discussion about who would determine whether a system was in working order. Fitzburgh said it is the County Building Inspector’s job to condemn and red tag unsafe properties. Rau will confirm this with the Building Department.

PLUC Members agreed that solar permits should be determined routine or nonroutine according to size (possibly 9kW) and that ground installations should be lower than 25 feet. Based on the importance of the visual nature of Castle Valley noted in the last Survey, Rau suggested giving more consideration to issues surrounding the visual impact of solar installations. It was generally agreed that access easements from neighbors was not supported, but applicants could be asked to consider the location of neighbors’ residences and windows when siting their panels. Greater setbacks could be another solution, although it was noted that efficient siting also depends upon the location of the property owner’s meter and/or electrical panel.

Fitzburgh plans to contact the contractor who put in the solar panels at the Town building and to ask him about height requirement, roof pitch, maximum ground height, batteries, emerging technologies, and solar hot water systems. Rau will ask Bob Lippman about battery disposal.

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Hawkins noted that some ordinances have restricted ground installation height to 16 feet and as low as 10-12 feet. Others noted that Fort Collins and Boulder, CO, do not regulate glare. It is considered the same as a glass window. Rau offered to investigate possible mitigations for glare. Buck wondered if screening should be further addressed.

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

**7. Closed Meeting (if needed).**

**ADJOURNMENT**

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

Rau adjourned the Meeting at 7:45 P.M.

**APPROVED:**

**ATTESTED:**

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**Bill Rau, Chairperson**

**Date**

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**Faylene Roth, PLUC Clerk**

**Date**

APPROVED