



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

Date: Wednesday, June 1, 2016

Time: 6:30 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Mary Beth Fitzburgh, Marie Hawkins, Bill Rau

Absent: None

Others Present: Jocelyn Buck, Hank Freeman, Ann McClanahan

Clerk/Recorder: Faylene Roth

**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.**

Ann McClanahan stated that a neighbor had told her that the Town currently has no solar regulations in place, so she and Freeman were curious to hear what the Town was considering in regards to development of amendments to govern solar installations.

Hank Freeman commented that Grand County is one of the stiffest counties in the state for its rules and regulations regarding solar installations. He hoped that the Town would not duplicate those same structural and functional requirements.

Fitzburgh responded that the County regulations enforce the International Building Code.

**2. Approval of minutes.**

**Regular Meeting of May 4, 2016.**

Fitzburgh moved to approve the Minutes of May 4, 2016, as presented. Hawkins seconded the Motion. Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

**3. Reports.**

**Correspondence.**

Rau read a letter addressed to himself and PLUC Members dated June 1, 2016, from Jocelyn Buck to tender her resignation from the PLUC effective immediately. Buck states that since she has assumed the position of Town Clerk, she feels serving on the PLUC would be a conflict of interest.

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

Fitzburgh reported that the TC amended the Fiscal Year 2016 Budget and will hold a Public Hearing at its June 2016 Meeting on the Fiscal Year 2017 Budget. She informed those present that the proposed 2017 Budget will be available online or by requesting a copy from Town Clerk Buck.

Fitzburgh also reported that the TC passed a Resolution to form the Fiber Optics Internet Research Committee to serve as an advisory committee to the TC regarding the internet options available to the community. Council Member Drogin will serve as chair of the committee and five to seven members will be recruited. Council Member O'Brien will serve on the committee, if needed. Bob Lippman has also expressed interest in serving on the



committee and submitted a proposed agenda for the committee to the Council. Council Members agreed to let the Committee determine its agenda once it meets. Roth reminded PLUC Members that the TC had previously requested that a PLUC Member serve on the Committee. Rau suggested that might be possible once the PLUC vacancies were filled. According to Fitzburgh, the TC also discussed the Town's response to the County Resource Management Plan (CRMP) which the State has requested each County to create over the next year. Rau said that the County plans to hire a consultant for this process with funds (up to \$50,000.00) provided by the State for this purpose. PLUC Members reviewed a list of issues that the State has provided. Fitzburgh pointed out the issues that Mayor Erley has indicated he thinks are of special concern to the Town.

Rau offered to take a lead role on this issue since he has been asked by Zacharia Levine, Grand County Community Development Director, to serve on the committee to hire the consultant. Rau suggested waiting until the consultant is hired to determine how he will approach the project. He said he imagines that the Town will want to present a 5-page letter with appendices identifying the Town's concerns.

PLUC Members discussed the State's intent for the CRMPs. Fitzburgh read from State Code that the State's objective was to develop resource management plans (RMP) for management of public lands. According to the Code: ...for each item listed, a [RMP] shall establish findings, objectives, policies, and guidelines on how the objectives are to be accomplished.

#### **Permit Agent.**

Roth noted that the Right-of-Way Encroachment Permit was for spread of gravel on one of the roads rather than a building-related permit. She said that in the future, these permits may be included as a Roads action. She also noted that the Decommissioning Contract on Lot 373 was approved at the last PLUC Meeting but the building permit associated with it has not yet been submitted.

#### **Procedural Matters.**

Rau reported that he discussed the PLUC vacancies with Tom Haraden who said he was not in a position to serve on the PLUC at this time. According to Rau, Mayor Erley had suggested a candidate whom Erley will contact. Fitzburgh reported that Council Member Hill had suggested another candidate. Fitzburgh will explore this recommendation.

Rau asked Roth to add a County Resource Management Plan Report to the monthly Agenda.

### **NEW BUSINESS**

#### **4. Discussion and possible action re: amendments to Ordinance 85-3 to establish regulations for solar panels.**

Rau noted that the PLUC has been working on these amendments for several months. He said they deal primarily with zoning issues such as placement, height, size, and related issues and are intended to provide guidance to property owners.

Fitzburgh added that the PLUC will hold a Public Hearing—possibly at its July Meeting—on the proposed amendments and will provide a draft of the final proposals to the public. She said that there has been at least one person who has expressed concern about the visual impacts of solar arrays in the valley which prompted the TC to ask the PLUC to develop regulations to address the issue. She noted their intent was not to make it difficult for property owners to put up solar power but to ask them to consider how placement might affect their neighbors.

According to Fitzburgh, height is the only limit so far proposed. She said that a longer review



process would be available for property owners who requested a greater height than allowed for routine permits.

Fitzburgh reviewed the minor changes in wording that were made at the last Meeting. PLUC Members agreed to reverse the word order of “highest maximum” to “maximum highest” in the definition of Height, Ground-Mounted Solar Energy System, Section 1.6, to match the use of this phrase on line 3, Section 4.15.1.4. Further discussion followed regarding clarification of the way height is measured in the definition above. PLUC Members also referred to a Castle Valley Solar Installation Report prepared by Roth in order to determine the best height limit for routine solar permit applications. The current draft states that routine permits shall not exceed 10 feet. According to Fitzburgh, Kevin Hansen, American Solar Power, has said that most residential installations could be under nine feet in height. About one-half of the systems included in the report were 10 feet or under.

Fitzburgh proposed that either the PLUC or the TC submit the proposed amendments to an attorney for legal review to determine whether decisions made on nonroutine applications would be enforceable. She thought it would be important to know whether specific reasons for denial would have to be included in the ordinance.

Hawkins suggested that solar installations should be approved under the permanent conditional use permit (CUP) process that is used for wind power installations. Fitzburgh thought it would be more difficult to achieve their goals through CUPs and harder to deny a request. She said the nonroutine permit process would allow the property owner to make a case for the larger system proposed. She also said she did not think the CUP process worked well for wind power installations because the Town has not established any regulations regarding them. Hawkins thought that the CUP process would provide property owners with an avenue to mitigate any issues related to their proposal.

Rau said that enforcement is problematic for all ordinances. He hoped that the proposed amendments would establish standards that the Town could use for enforcement. He agreed that a lawyer should review the draft and suggest alternative language, if needed. He noted that Section 4.15.2 would require a new permit form for nonroutine permits. He asked Roth to send him a copy of the current Solar Permit form for review.

Freeman expressed his concern that it would be difficult to install a system under 10 feet. He said that most panels are 3' x 5' and are usually laid out with two rows or three rows of panels which approaches the 10 foot limit without consideration of the posts. He also observed that the height was dependent upon whether the panels were fixed, tracking, or adjustable. He suggested a 12 foot height.

PLUC Members agreed it was important to not allow the regulations to be subjective or value based. For instance, a decision regarding nonroutine height would be based on safety and access to the sun.

In further discussion about how to measure height, it was decided to distinguish between such terms as system, installation, and array.

Fitzburgh asked Roth to send the draft amendments to local solar installers Rob Soldat, Brian Murray, and Kevin Hansen for their comments about whether most residential systems could be built under these conditions.

PLUC Members agreed to delay a Public Hearing until after its July Meeting.

Fitzburgh moved to table Item 4. Hawkins seconded the Motion. Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

**UNFINISHED BUSINESS**

- 5. Discussion re: future amendments to Ordinance 85-3 (tabled).
- 6. Closed Meeting (if needed).

**ADJOURNMENT**

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

Rau adjourned the Meeting at 8:03 P.M.

**APPROVED:**

**ATTESTED:**

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**Bill Rau, Chairperson**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Faylene Roth, PLUC Clerk**

\_\_\_\_\_  
**Date**

APPROVED