

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

Date: Wednesday, October 3, 2012

Time: 7:00 P.M.

Place: #2 Castle Valley Drive, Castle Valley Community Center

Present: Laura Cameron, Marie Hawkins, Mary Beth Fitzburgh

Absent: None

Others Present: Michael Dunton, Dave Erley, Bob Lippman, David Rhoads, Bill Rau

CALL TO ORDER: 7:04 P.M.

1. Open Public Comment.

David Rhoads stated that he was present to discuss the possibility of putting a permanent auto repair shop on his property in the future. Mary Beth requested that he save his comments for the discussion of the formal initiation of amendments to 85-3 prohibiting certain home and premises occupations in Item 9.

2. Discussion re: questions from public about survey questions.

Bill Rau asked about the background to the questions about a municipal water system and senior housing. Mary Beth explained that the municipal water system referred to would be a municipal well where residents could obtain drinking water in portable containers or tanks. Mayor Erley responded that some residents have asked that the Town provide a community well. Having a community well would allow the Town to establish a Utah State Source Water Protection Zone which would provide additional protections, not now available, to the local watershed. Rau asked whether a cost analysis had been done. Mayor Erley said the Town would wait to assess community interest before doing so. Mary Beth responded that there would be public hearings and budget approval hearings before this project would proceed.

David Rhoads asked about locations. Mayor Erly noted that a municipal well requires 1500 foot setbacks. Mayor Erley suggested one possibility is to pursue a land swap with Daystar Academy since they currently have two residences built on the Castle Valley greenbelt. He noted that Castle Valley would need a commitment from Daystar to honor a 1500 foot setback.

Regarding senior housing, Mary Beth reported that the 2010 U.S. Census data showed that 70 percent of the resident population of Castle Valley is over the age of 50. The survey responses could lead to discussion of needs and/or services for Castle Valley; such as, a weekly medical clinic or the reinstatement of emergency responders in the area. Bob Lippman said that the fire commissioners could be interested in this discussion.

Mary Beth noted that surveys are due by October 31, 2012.

APPROVAL OF MINUTES

3. Regular Meeting September 5, 2012.

Members agreed to three changes, suggested by Mary Beth: two on Page 2, Item 5, and one on

Laura motioned to approve the Minutes of September 5, 2012, as amended. Marie seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

## REPORTS

### 4. Town Council Meeting – Chair.

Mary Beth reported that the Town Council approved the changes to Ordinance 85-3 as presented by the PLUC. The Council also approved the CUP for Michael Dunton's sculpture studio and approved the building permit for the addition to the noncomplying structure on Lot 102.

In addition, the Town Council voted to formally initiate amendments to Ordinance 85-3 that would prohibit the following home and premises occupations: motor vehicle, trailer or boat repair shops; auto body and/or fender repair shops; manufacture, assembly or repair of heavy equipment, major appliances, engines or motors; junk yards; and mortuaries or crematoriums. Mary Beth said the language was based on what is prohibited for home/premises occupations in Grand County and Salt Lake City ordinances and in the Utah land use training manual about types of things that are prohibited for home and premises occupations. According to Mary Beth, there will be a six-month period to develop better guidelines for home/premises occupations during which Conditional Use Permits for the occupations listed may be denied.

### 5. Building Permit Agent.

Faylene submitted a building permit report. She explained that the shed on Lot 413 required only zoning approval since it was less than 200 S.F. Grand County does not require building permits for structures less than 200 S.F. which are not for human habitation. The septic permit on Lot 47 is for an upgrade from a 3-bedroom capacity system to a 6-bedroom capacity system. Faylene reported that she had concerns about who follows up and inspects a septic upgrade. She will consult with the new State Sanitarian this month.

### 6. Procedural Matters.

Laura inquired about the procedure PLUC Members will use to review the General Plan Survey returns. Mary Beth suggested they consider this under the Agenda item for the General Plan.

Faylene noted that the 2013 Meeting Schedule will be set at the next PLUC Meeting on November 7, 2012, PLUC Meeting.

## NEW BUSINESS

### 7. Discussion and possible action re: application for a building permit for a proposed structure to be used as part of an existing Conditional Use Permit on Lot 413.

Michael Dunton presented building plans for a building to house his studio workshop. Faylene had reviewed the plans for a 1200 S.F. building (maximum allowed) with a height of 16 feet. A floor plan provided by Dunton showed locations for hot work where grinding is done and a flammable storage area that is protected from sparks, both of which were required by previous Town Council approval of his Conditional Use Permit for a premises occupation. Mary Beth

asked about his plans for insulation, another requirement, for sound mitigation. Dunton said he will be using reinforced protective packets with a fire protective barrier as insulation.

After discussion it was decided to ask for a final inspection from Grand County Building Department to confirm that all structural guidelines for the building have been met, followed by an inspection from the Town of Castle Valley's Building Permit Agent to confirm that zoning and CUP conditions have been met before the building is put to use. PLUC Members agreed that the office and carving bay partitions may be temporary or postponed at time of inspections, but they agreed that the flammable storage room must be completed before the building is used. Until that time, Mary Beth said that Dunton can continue to work outside but must follow the requirements in Ordinance 85-3 for outside work.

Marie motioned to approve the building permit with the above stipulations for the studio/workshop on Lot 413. Laura seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

8. Discussion and possible action re: application for a Permanent Conditional Use Permit for a wind turbine on Lot 365.

PLUC Members reviewed plans for the wind turbine proposed for Lot 365. The system is engineered at a height of 27 feet with 3 blades that produce a 46-inch diameter when spinning. According to Bob Lippman, owner of the lot, the height of the system needs to be above the house and surrounding trees. He plans to use the turbine as an auxiliary source to power his batteries in winter in lieu of a generator.

Mary Beth reported a discussion with Castle Valley resident Skip Ambrose, whom she identified as a local sound expert, who confirmed that the system should be really quiet.

Mayor Erley presented a letter received by the Town Clerk from one of Lippman's neighbors who had concerns about the siting of the wind turbine and its effect upon surrounding property values and viewshed. PLUC members had not seen the letter prior to this meeting and regretted not having more time to review it and communicate directly with the neighbor about her concerns.

Mayor Erley expressed his support of alternative energy use. He also noted that the windmill on his property is 20 feet in height because the PLUC and Town Council at the time of installation had restricted the height to 25 feet or less. He said that his neighbors say that the spinning blades do create glare and visual impact. He also mentioned potential impact on birds.

According to Mary Beth, because windmills require a height greater than 25 feet in order to be efficient and because they are not included in our current height limit which is for "buildings" they are governed by a conditional use permit approval process. She also noted that they have a different visual impact from a 3 dimensional building which has a greater overall mass and that the Town does not currently apply the building height limit to other free standing structures such as flagpoles, and solar panel arrays. In her opinion, the proposed wind turbine would have a similar visual impact to that of an antenna, a chimney, an air conditioning unit, or a vent on a roof. She favored approving the conditional use permit as requested and forwarding it to the Town Council for their approval. Marie and Laura agreed.

Lippman, when asked about the alternative site proposed by his neighbor, said that it would be a much greater distance to the battery pack and require a greater length of wire thereby making it

inefficient. According to Lippman, the model he has chosen is designed to operate most efficiently at a height of 27 feet, Mary Beth asked Lippman to consult the manufacturer of the wind turbine to find out how a reduction of two feet in height would affect its efficiency. She asked him to provide that information to both the PLUC Clerk and the Town Clerk. She also asked Faylene to contact the author of the letter to provide additional information regarding dimensions and appearance, as she might not be aware of its size and visual impact. The neighbor will be notified of the PLUC's point of view in making its decision. The neighbor will be notified of the opportunity to respond to or to attend the Town Council Meeting on October 17, 2012. Mayor Erley asked that a copy of the diagrams also be sent. The website address for the manufacturer will also be made available: [windenergy.com](http://windenergy.com).

In making their decision, PLUC members concluded that according to the Town's Land Use Ordinance, section 4.7.4 Conditional Use Standards of Review – General Review Criteria, the impact of the proposed CUP would not exceed the impact of other uses currently permitted in the same zone and would not be detrimental to the residential character of the neighborhood. They felt that it was compatible, in terms of its scale and mass, with other allowed structures that may extend beyond the 25 foot building height limit such as evaporative coolers on a roof, chimneys, flagpoles, solar panels and church steeples.

Laura motioned to approve the application for a Conditional Use Permit for a wind turbine on Lot 365. Marie seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

9. Discussion and possible action re: formal initiation of amendments to 85-3 prohibiting the following for home and premises occupations: motor vehicle, trailer or boat repair shops; auto body and/or fender repair shops; manufacture, assembly or repair of heavy equipment, major appliances, engines or motors; junk yards; and mortuaries or crematoriums.

Mary Beth initiated the discussion of the request for amendments to Ordinance 85-3 to prohibit certain types of premise occupations within the Town. Laura suggested that the PLUC wait to review public opinion expressed in the General Plan Survey which is currently in process. PLUC Members agreed. It was also suggested that they solicit citizen input in meetings similar to those held during discussion of the livestock issue.

Castle Valley resident, David Rhoads, spoke about his 40 years of experience as an auto mechanic and welding fabricator, his work with the CV Road Department, CV Fire Department, and citizens within the Town through his permitted mobile auto repair business. He cited some issues with noise and inefficiency in operating a mobile service and expressed his desire to construct a shop on his lot for on-site auto repair. He thinks that a building would allow him to mitigate the noise factor. According to Rhoads, a lot of people in Castle Valley currently have shops in which they work on vehicles and make a living at it. He also noted that these operations were not permitted through the Town Conditional Use Permit process, as is his mobile repair business. Rhoads said that a lot of local residents have expressed support for what he wants to do. Mary Beth reminded Rhoads that he does not have a permit for on-site auto repair and could not legally pursue such activities on his lot at this time. She said that she believes that more than one official complaint may be filed soon with the Town regarding his current on-site auto repair work. She recognized that enforcement is an issue since the Town has no enforcement officer. Currently, she said, enforcement is initiated when a complaint is made.

According to Mary Beth, the current ordinance allows low impact home businesses. Community discussions should focus on whether auto repair shops can be made compatible with residential use and if the negative impacts can ever be fully mitigated. Factors to consider would involve mitigations for waste collection, number of vehicles, types of drains, handling of hazardous waste, sound mitigations, among others.

Marie motioned to table discussion of Item 9. Laura seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

#### UNFINISHED BUSINESS

10. Discussion and possible action re: General Plan Review (tabled).

Marie motioned to untable Item 10. Laura seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

Faylene reported that 68 completed surveys have been returned. Twenty surveys were returned with incorrect addresses or forwarding information. These have been corrected and resent.

Laura suggested that PLUC Members set a time to start reviewing the surveys. Marie and Mary Beth agreed. Members discussed whether the individual returned surveys should be date stamped as they arrive. It was decided that Faylene will bundle weekly returns and date those in order to track the rate of return. The value of scanning each document as an archival record was also considered. A decision on this was deferred. Faylene will ask Jeff Fink to advise them on how to use Excel to evaluate survey results.

Several PLUC Members and the PLUC Clerk will meet at 6:00 P.M. on Wednesday, October 10, 2012, to begin review.

Laura motioned to retable Item 10. Marie seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

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

Left tabled.

12. Discussion and possible action re: reviewing and amending Ordinance 96-1: Watershed Protection Ordinance (tabled).

Left tabled.

13. Closed Meeting (if needed).

None.

#### ADJOURNMENT

Marie motioned to adjourn. Laura seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

The Meeting was adjourned at 9:19 P.M

**APPROVED:**

**ATTESTED:**

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**Mary Beth Fitzburgh, Chairperson    Date**

\_\_\_\_\_  
**Alison Fuller, Town Clerk            Date**