



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

Date: Wednesday, May 4, 2016

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: Kaaron Jorgen, Randy Jorgen

Clerk/Recorder: Faylene Roth

**CALL TO ORDER**

Rau called the Regular Meeting of the Planning and Land Use Commission (PLUC) to Order at 6:31 P.M.

**1. Open Public Comment – None.**

**2. Approval of minutes.**

**Regular Meeting of April 6, 2016.**

Buck moved to approve the Minutes as presented. Hawkins seconded the Motion. Buck, Hawkins, and Rau approved the Motion. Fitzburgh abstained. The Motion passed with three in favor and one abstention.

**3. Reports.**

**Correspondence – None.**

**Town Council Meeting – Fitzburgh.**

Fitzburgh reported that the Town Water Study was completed and is now posted on the Town website. She relayed John Groo's recommendation to read the nine-page summary first and his opinion that the Town was very fortunate to receive such a well-done Study. Fitzburgh announced that the Town will host a presentation of the Water Study at a Special Meeting on Tuesday, May 17, 2016. She reported that Groo said that the water amount identified in the Study was within 35 acre-feet of what the State Engineer had estimated was available.

Fitzburgh reported that Town Clerk Fuller has resigned and that PLUC Clerk Roth has been appointed Acting Town Clerk until a new Town Clerk is appointed. She said that three applications for the position have been received.

According to Fitzburgh, Mike Giles of Frontier Communications contacted Mayor Erley and informed him that Frontier plans to upgrade Castle Valley service in 2017 by installing fiber optics cable from its Rim Shadow facility to Castle Valley Drive then up and down CV Drive. According to Frontier, the copper wires along side roads can handle the amount of usage at that point. She said that fiber optics would also be extended to the river lodges. The upgrade is funded by grants obtained by Frontier.

Fitzburgh reported that the Town Council will approve a Resolution at its next Meeting to form a Committee to further study internet options for Castle Valley. She said that Bob Lippmann and Bob Shumaker have indicated their interest in being part of this Committee. A Town Council Member will join the Committee and a PLUC Member would be welcome.

Fitzburgh reported that Grand County Building Inspector, Jeff Whitney, informed the Town that the use of the phrase "wildland urban interface" – used in the Hazard Mitigation Plan (HMP), as well as the Town's General Plan – could result in more stringent building codes



for Castle Valley. According to Whitney, “wildland urban interface” is an official designation that the Town would declare for itself. Whitney informed Town officials that Grand County has designated any area within the County above 6000 feet as Wildland Urban Interface. The designation requires more stringent building and fire protection code than other areas. Fitzburgh identified sections within the General Plan where the term is used. She suggested retaining the definition as a description of the area without using the term itself. This change could be made when the next General Plan is reviewed (2018/19). Rau suggested an amendment to the HMP to correct the usage there.

**Permit Agent.**

Roth submitted an activity report for one electrical, two solar permits, two conditional use permits, a Decommissioning Contract on Lot 124, and a Certificate of Occupancy for a studio on Lot 249.

**Procedural Matters.**

Rau asked PLUC Members to think diligently about potential candidates for the vacant PLUC seat.

**NEW BUSINESS**

**4. Discussion and possible action re: approval of Decommissioning Contract for Lot 373.**

Fitzburgh moved to approve the Decommissioning Contract for Lot 373 with additional language added under “Other” [p.2]: **removal of range/oven in kitchen and removal of electrical cord from the refrigerator in the kitchen area and Change of Use [p.2]: to be used for storage and not for human habitation.** Hawkins seconded the Motion. Buck, Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

The Jorgens were informed of the signing and notary requirements. Roth will record the Decommissioning Contract at the Grand County Recorder’s Office after signatures are completed. Chairperson Rau will sign for the PLUC.

**5. Discussion re: impacts of proposed new internet system on Castle Valley.**

Rau stressed the need to ensure that any new system adhere to the Town ordinances and that sequencing of work that would interfere with chip sealing of Castle Valley Drive be considered. Fitzburgh noted that the Town’s road encroachment permit would apply to any work done within the road easements.

Based on recent information about Frontier’s plans, PLUC Members agreed to drop this item from the Agenda until further information is available from the Committee to be formed at the next Town Council Meeting.

**Fitzburgh moved to suspend the order of business and return to Procedural Matters. Hawkins seconded the Motion. Buck, Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.**

**3. Reports.**

**Procedural Matters.**

Fitzburgh further reported that Mayor Erley has asked the PLUC to revisit the Grand County Resource Plan. She said that she requested that the Town Council provide clear directions to the PLUC regarding the content of the letter. The Town Council and PLUC members should also consider which resources to comment on – water, air quality, transportation, etc. She said, according to Erley, Zacharia Levine [Grand County



Community Development Director] has asked Erley to join the committee to hire a consultant to write the Resource Plan. She reported that there would be additional opportunities for involvement throughout the process and that Erley suggested that Rau or others might choose to be involved. Fitzburgh said that this discussion will likely be on next month's PLUC Agenda.

Fitzburgh also reported that the chip sealing of Castle Valley Drive is expected to happen in August and that the repavement of Highway 128 is also scheduled for this year.

**Fitzburgh moved to resume the original order of business and return to Item 6. Buck seconded the Motion. Buck, Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.**

### **UNFINISHED BUSINESS**

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

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

PLUC Members agreed to defer discussion to Item 7.

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

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

Buck moved to untable Item 7. Hawkins seconded the Motion. Buck, Fitzburgh, Hawkins, and Rau approved the Motion. The Motion passed unanimously.

Fitzburgh reviewed changes made since the last discussion of the item:

- 1) an addition to the definition of "Height, Building" to include "building-mounted or roof-mounted solar photovoltaic panels" as a feature, such as chimneys that is not considered in measuring building height.
- 2) addition of three new definitions: Height, Ground-Mounted Solar Energy System; Height, Building- or Roof-Mounted Solar Energy System; and Solar Energy System.
- 3) General Design Standards for routine solar energy systems (Section 4.15.1)

Some concern was expressed that the numbering of 4.15.1 could be confusing. Rau reported that he had spoken with Building Inspector Whitney about the potential build-up of snow beneath roof panels. Whitney told him this is not an issue. Whitney did say that the potential weight of the solar energy structure and snow load are reviewed when approving a roof-mounted system to ensure that the roof can bear the load. Rau also reported that, in regard to dismantling old systems, he learned that the structures are recyclable and that dismantling and disposal is considered to be the responsibility of the property owner.

Fitzburgh said that she kept the routine height at fifteen (15) feet since a recent applicant had requested that height; although, she noted, it was eventually reduced to ten (10) feet. Buck and Rau stated their opinions that ten (10) was adequate for a routine system and that the Ordinance allows an applicant to request a nonroutine review for a higher system. Hawkins agreed. PLUC Members agreed to change the maximum height in Section 4.15.1(4) from fifteen (15) feet to ten (10) feet.

Roth said that she asks for the maximum height of adjustable panels when issuing solar permits. PLUC Members agreed to change the definition of Height, Ground-Mounted Solar Energy System to read "the maximum highest point..."

4) Additional review for nonroutine systems (Section 4.15.2)

PLUC Members agreed to add “safety” as a qualifier in determining the allowed height of a solar energy system, in the introductory paragraph, second sentence, line 3, to read “...to prevent compromising the effectiveness or safety of the solar collectors.” They also agreed to change the introductory paragraph of Section 4.15 to state that “The purposes of this section is to allow and encourage solar energy systems...”

In Section 4.15.2(3) PLUC Members discussed the need for retaining a 25 foot height allowance. General consensus was to retain this as the maximum height since it correlates to the maximum height of other structures. Several Members stated their preference for a lower height but noted that the nonroutine application would require the applicant to demonstrate why this height was warranted. Rau asked whether solar panels should be included in maximum square footage calculations. Buck asked about restrictions on wattage or number of panels. Hawkins said the trend towards smaller more efficient systems reduces the need for managing the wattage and number of panels. PLUC Members agreed that reviews of nonroutine solar applications could require the PLUC to consult with solar experts regarding the system height needed to prevent compromising the effectiveness of a proposed system.

PLUC Members decided to consider the amendments for another month before scheduling a Public Hearing. Fitzburgh suggested that they get legal counsel regarding enforcement of the regulations, particularly for a nonroutine application in which the PLUC calls for a lower height than that applied for.

Roth will rename this item and include it as New Business on the next Agenda. Fitzburgh will draft the new changes before the next PLUC Meeting. She asked Roth to prepare a draft version for public review. Roth was also asked to prepare a report of solar systems within Castle Valley to include wattage, height, space requirement, roof mount vs. ground mount, etc. It was noted that the database does not include information on earlier systems, such as those installed in the Upper 80.

**8. Closed Meeting (if needed) – None.**

**ADJOURNMENT**

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

Rau Adjourned the Meeting at 7:55 P.M.

**APPROVED:**

**ATTESTED:**

\_\_\_\_\_  
**Bill Rau, Chairperson**

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

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

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