

**MINUTES**  
**PUBLIC HEARING ON PROPOSED AMENDMENTS TO ORDINANCE 85-3**  
**REGARDING: SETBACKS FOR SOLAR PANEL ARRAYS; SETBACKS FOR BARNs,**  
**CORRALS, PENS, COOPS, AND SHEDS FOR THE KEEPING OF LIVESTOCK; AND**  
**NONCOMPLYING BUILDINGS AND STRUCTURES**  
**and**  
**REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION**

Date: Wednesday, September 5, 2012  
Time: 7:00 PM  
Place: #2 CV Drive, Castle Valley Community Center

Present: Laura Cameron, Mary Beth Fitzburgh, Marie Hawkins  
Absent: None  
Others Present: Michael Dunton, Dave Erley, Don Tuft, Christy Williams  
Recorder/Clerk: Faylene Roth

**PUBLIC HEARING**

1. Call to Order at 7:04 P.M.

2. PUBLIC HEARING ON PROPOSED AMENDMENTS TO ORDINANCE 85-3 REGARDING: SETBACKS FOR SOLAR PANEL ARRAYS; SETBACKS FOR BARNs, CORRALS, PENS, COOPS, AND SHEDS FOR THE KEEPING OF LIVESTOCK; AND NONCOMPLYING BUILDINGS AND STRUCTURES.

Don Tuft asked for clarification on the setback changes. Mary Beth explained that wording regarding setbacks of livestock shelters was modified in order to accommodate any noncomplying residences that were less than the current 30 foot setback limit and the location of future residences that might be built or rebuilt closer to the property line than currently exists. She also stated that wording was added to include solar structures in the current setback requirements. The changes regarding noncomplying buildings and structures would allow additions to these structures as long as the addition complies with current setbacks.

3. Adjournment of Public Hearing.

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

Adjournment: 7:05 P.M.

REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION

CALL TO ORDER at 7:06 P.M.

1. Open Public Comment.

None.

## APPROVAL OF MINUTES

### 2. Regular Meeting August 1, 2012.

On page 3, first paragraph, the word “approved” was changed to “reviewed” and the phrase “PLUC and” on line 3 was deleted. On page 4 the word “minimal” was changed to “minimize.”

Marie motioned to approve the Minutes of August 1, 2012, as amended. Laura seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

## REPORTS

### 3. Town Council Meeting – Chair.

Mary Beth will present comments from the Town Council Meeting regarding the General Plan Survey during discussion of the related Agenda item.

### 4. Building Permit Agent

Faylene reported that no permits were issued during the month of August 2012.

### 5. Procedural Matters.

Mary Beth asked that documents related to Agenda items and permit approval be submitted by the Monday prior to the PLUC Meeting. She also asked that the Building Permit Agent review related documents and building plans before the Meeting.

Laura iterated the importance of filling the vacant positions on the PLUC. She noted that a quorum cannot be met if even one of the current three members is unable to attend a Meeting. She asked Mayor Erley to take this request to the Town Council and ask for their concerted effort to recruit additional members.

## NEW BUSINESS

### 6. Discussion and possible action re: amendment to Ordinance 85-3.

Mary Beth reviewed the following amendments to Ordinance 85-3:

Page 1 - the date is changed to show the date of this Draft which will change again to reflect the date of approval by the Town Council.

Page 2 - Section 6.3 was added.

Page 17 – In Section 4.2.F the word “to” is changed to “and” to accommodate location of future residences.

Pages 23/24 – the same change as above.

Page 30 – In Section 5.2.A and 5.2.B add “solar panel arrays and other alternative energy structures and buildings” to the setback requirements.

Page 31 – In Section 5.2.C change “or” to “and.” Changes in Section 5.3.I clarifies the restrictions to additions that are over 25 feet in height.

Page 33 – Section 6.3 added to allow existing noncomplying structures to be moved, enlarged, or altered as long as the changes meet current regulations.

Additional changes in Ordinance 85-3 adjust section numbers after the addition of Section 6.3 and remove page headings that no longer apply.

Laura motioned to approve the Draft Amendment to Ordinance 85-3 with changes made on September 5, 2012. Marie seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

Mary Beth said that the Draft Amendment as approved will be forwarded to the Town Council for their approval. Mayor Erley asked that the PLUC notify Ali to place this item on the Town Council Agenda.

7. Discussion and possible action re: application for a nonroutine conditional use permit by Michael Dunton for Lot 413.

Mary Beth read a letter from Dave Silverman in support of Dunton's application and a letter from Erich and Jeanette Alexander expressing concerns about the appropriateness of this business in a residential area, the need for noise mitigation, the size and appearance of the shop and its effect on property values, and the need for safety follow-ups and inspections. The Alexanders' letter indicated possible support for the application if their concerns about noise and building appearance were addressed. Mary Beth noted that Dunton had been undertaking such activities since 1996 without complaints from any neighbors.

After discussion with Dunton about expressed concerns, PLUC Members proposed to approve the application with the condition that Dunton adhere to all conditions in Ordinance 85-3 with special attention to Sections 4.8.2(13) and 4.8.2(14) which address noise mitigation and fire-safe practices including appropriate fire-suppression equipment. Specific conditions require that noise-producing activity that may cross property lines and disturb neighbors be performed indoors with doors and windows closed whenever possible and be conducted between the hours of 7:00 A.M. and 7:00 P.M. and that insulation materials be used in construction of the studio to contain the impact of noise upon neighbors. In addition, the studio shall have a non-reflective exterior finish that is similar in color to the surrounding soil and vegetation. Dunton indicated that he also plans to use natural vegetation to mitigate noise level.

PLUC Members asked that the Alexanders be notified of the approval conditions before the next Town Council Meeting when the TC reviews the conditional use permit application. Faylene will notify them.

Marie motioned to approve the conditional use application with mitigations and send it to the Town Council for approval. Laura seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

Mayor Erley asked that the Town Clerk be notified of the PLUC decision so that it is placed on the Agenda of the next TC Meeting. Mary Beth informed Dunton that he should attend the next TC Meeting which is scheduled for September 19, 2012.

8. Discussion and possible action re: building permit application for addition to a noncomplying structure on Lot 102.

PLUC Members reviewed preliminary plans submitted by Don Tuft, contractor for Robert and Kathy Schrank, owners of Lot 102. The plans show that the setbacks for the addition—a

distance of 36 feet on the near property line and 35 feet on the back property line--comply with current setback requirements of 30 feet. A review of combined square footage of current and proposed construction on the lot, provided by the Building Permit Agent, revealed the current square footage and height requirements are met. Mary Beth reminded Tuft that the remodeled building could not be designated as a guest house and required the property owners to sign the Town form acknowledging that only one-dwelling per lot is allowed.

Laura motioned to approve this building permit application for an addition to a noncomplying structure on Lot 102. Marie seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

Mary Beth informed Tuft that the PLUC's recommendation for approval will be made to the Town Council at its next Meeting on September 19, 2012. She advised him to attend. Tuft noted that he may be unable to attend. Mayor Erley suggested that Tuft send a letter of explanation to the TC in advance if he is unable to attend and offer to answer questions before the TC Meeting.

#### UNFINISHED BUSINESS

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

PLUC Members added two questions: one regarding support for playground equipment on the Town lot and one regarding what kind of premises occupations and associated activities were appropriate for the Town. A modification was made to question F1 about support for regulations for alternative energy structures to clarify its meaning. In G2 the capitalization of the word "Residents" was removed.

Faylene reported that Canyonlands Copy Center quoted a cost of 10 cents per sheet to copy the Survey and septic information sheet. Postage for mailing the survey was quoted by the U.S. Postal Service at 45 cents per envelope. Return envelopes in each mailing will also bear a 45 cent stamp.

Marie motioned to approve the final draft as amended for mailing. Laura seconded the Motion. Laura, Mary Beth, and Marie approved the Motion. The Motion passed unanimously.

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

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

Left tabled.

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

Left tabled.

12. Closed Meeting (if needed).

None.

**ADJOURNMENT**

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

The Meeting was adjourned at 9:11 P.M.

**APPROVED:**

**ATTESTED:**

\_\_\_\_\_  
**Mary Beth Fitzburgh, Chairperson    Date**

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