

PLANNING & ZONING COMMISSION
6:00 P.M. AUGUST 3, 2009
EDGEWOOD COMMUNITY CENTER
26 E. FRONTAGE ROAD
MINUTES

1. Call to order.
Commissioner Fulwiler called the meeting order at 6:00 P.M.
Commissioners Present: Commissioner Fulwiler, Bassett, Turner, Wilhite, Jackson.
Commissioners Absent: Commissioner Fleming
Staff Present: Ms. Mahalick, Administrator.

2. Approve agenda
Action: Commissioner Wilhite made a motion to approve the Agenda as presented.
Commissioner Turner seconded the motion. The motion carried unanimously.

3. Approve minutes of 07/20/09
Action: Commissioner Wilhite made a motion to approve the minutes of July 20, 2009 with the corrections as discussed. Commissioner Turner seconded the motion. The motion carried unanimously.

CERTIFICATION WAS MADE THAT PUBLIC NOTICE OF THIS MEETING HAD BEEN POSTED AS REQUIRED:

A STATEMENT OF PROCEEDINGS WAS READ INTO THE RECORD:

Commissioner Wilhite read the proceedings for the Commission and the public.

COMMISSIONERS CONFIRMED NO CONFLICTS OF INTEREST/EX PARTE CONTACTS.

4. Public Hearing
Lot Split of Tract, Tarby, David & Patricia, 34 & 36 Piñon Road. Creating 2 lots from 2.5 acres. Zoned Residential R-1.
Ms. Mahalick stated the agent for the Tarby's, Mr. Dominguez has requested that the Commission table this item indefinitely as they are working on compliance with the Commission's requests and will bring it back at a later date.
Action: Commissioner Bassett made a motion to table this item indefinitely.
Commissioner Wilhite seconded the motion. The motion carried unanimously.

5. Wind Ordinance discussion.
Ms. Mahalick outlined some of the changes she had made at the request of the Commission. At this time the Commission entered into discussions regarding the height of the Wind Generators, aesthetics, fall zones and the effect on neighbors.
Action: Commissioner Wilhite made a motion to change the set back to 1.1 ratio of the height of the tower. Commissioner Turner seconded the motion. The motion carried 4:1.

Commissioner Bassett read a portion he would like replaced in the Ordinance as follows:
Applicant or his/her agent shall take all reasonable measures to ensure the tower and its various

appurtenances are not allowed to become an attractive nuisance. These measures may include but are not limited to, limited access ladder, fencing or no climb design.

Action: Commissioner Wilhite made a motion to amend the Ordinance replacing Section 2 under Access with the language presented by Commissioners Bassett and Turner. Commissioner Bassett seconded the motion. The motion carried unanimously.

Action: Commissioner Wilhite made a motion to pass the draft on the small wind energy systems Special Use permit onto the Town Council for their action. Commissioner Turner seconded the motion. The motion carried unanimously.

6. Open Space Ordinance discussion.

Ms. Mahalick reviewed this item for the Commission and stated that it had gone to the Attorney for review and then the Parks & Recreation Committee worked on it some more. She stated that she had made some additions and that is what they have before them. She added that the issue of cleaning up the horse manure was going to be a problem that can be best handled at the Public Hearing.

Commissioner Turner asked about Fireworks.

Ms. Mahalick stated it was not listed in the Ordinance but that they are governed by State Statute.

Commissioner Turner presented some alternative language for the purpose section.

Commissioner Jackson discussed criminal trespass and the definition of trespass. He also discussed the section regarding prohibited use.

Ms. Mahalick responded clarifying the intention regarding motorized vehicles.

The Commission discussed the use of private property that falls within ¼ mile of the space in question for motorized vehicles.

Ms. Mahalick suggested expanding on the Litter and Anti-Blight Ordinance to include noise, dust and other nuisances.

The Commission discussed a variety of other changes and additions to the Ordinance.

Ms. Mahalick stated she would make the changes and bring them back to the next meeting for the Commissioners' review.

7. Public Comments.

None.

8. Calendar Update.

Ms. Mahalick discussed the upcoming parade and anniversary celebration to take place August 8, 2009. She also discussed the status of the sewer system as well as some other projects that are in progress.

9. Adjourn.

Action: Commissioner Bassett made a motion to adjourn. Commissioner Wilhite seconded the motion. The motion carried unanimously.