



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

Date: Wednesday, December 2, 2020

Time: 6:30 PM

Place: Conference Call

Electronic Meeting Determination

Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. § 54-2-207(4), Bill Rau, Chairman of the Town of Castle Valley Planning and Land Use Commission issues this Determination supporting the decision to convene electronic a meeting of the Planning and Land Use Commission via Conference Call without a physical anchor location. Due to the COVID-19 pandemic Meetings at the anchor site may present substantial risk to public health and safety. Taking into consideration public health orders limiting in-person gatherings, the average "at risk" age of Town residents and the limited space in the Town building, the Planning and Land Use Commission will continue to hold meetings by electronic means. This determination expires 30 days after the day on which the Chairman has made the determination. The public can join the Conference Call Meetings or submit comments through emails.

Present: Ryan Anderson, Marie Hawkins, Bill Rau, Colleen Thompson, Stephen Curtis

Absent: None

Others Present: Jack Campbell, Jazmine Duncan, Tom Wood and Donna Kramer-Wood, Ted Bright, Pamela Gibson, Jocelyn Buck, Russ Cooper

Clerk/Recorder: Susan Curtis

CALL TO ORDER REGULAR MEETING (some attendees optionally shared video)

Electronic Meeting Determination read by Rau

Rau called the Regular Meeting to Order at 6:31 P.M.

1. Public Comments

Many attendees - expressed sincere appreciation for Bill Rau, his hard work, dedication, his approach to public service, his exemplary work, mentoring, and his service as chair for the past 7.25 years.

Donna Kramer-Wood – also expressed appreciation for Bill in his role as Chair. Kramer-Wood commented on Ordinance 2007 on firearms; section 1B allows for discharge of a firearm to slaughter domestic livestock. Would like for the PLUC to consider amending the ordinance to provide prior notice of intention to shoot gun to slaughter livestock. She described a past occurrence where multiple livestock were shot over a period of about an hour and a half and she wasn't sure what was going on. She asked Mayor Duncan about this, who responded that Utah code doesn't allow us to treat certain agriculture activities as nuisances if they are normal activities in association with agriculture. Kramer-Wood went on to say the Town allows shooting of livestock with no regard to safety, projectiles on neighbor's properties, other livestock, and well-being of other residents. She thinks the Utah code would allow prior notice so residents could not be scared or call the sheriff, could secure their own livestock and pets so they are not panicked and/or injure themselves, might choose to leave homes, and might reschedule any planned family events until the shooting was completed for safety and well-being of families.

Rau – thanked Kramer-Wood for comments and let her know they are now on the public record and stated the PLUC looks for opportunities to tighten language, improve wording, and update ordinances.

2. Approval of Minutes

Regular Meeting of November 4, 2020

Thompson moved to accept the Minutes as presented. Anderson seconded the Motion. Anderson, Hawkins, Rau, Curtis, and Thompson approved the Motion. The Motion passed unanimously.

3. Correspondence - none



4. Town Council Meeting Report —Thompson

Report to PLUC on 11/18/2020 TC meeting

- 1. The town of Bluff invited members of Castle Valley town Council and others to attend their next meeting to help with strategic planning for their relatively new town. Colleen Thompson volunteered for the PLUC. The video meeting is December 1.
- 2. Town Council discussed some language changes to the Complaint Resolution Process to fix mistakes in the timeline and remove some ambiguity.

5. Building Permit Agent Report —Thompson

• **Permit Activity:**

TOWN OF CASTLE VALLEY - Building Permits Report

Approval Date Between 11/1/2020 And 11/30/2020

Approval	Lot	Road	Owner	Type	Purpose	Description	Height	Sq Ft <=19	Sq Ft >19
11/1/2020	420	Castle Creek Lane	Thoma, Franz	CLUC	Barn	Horse barn	11.75	783	0
11/19/2020	074	Bailey Lane West	Holland, Harry & Deb	Electrical	Solar	8.6kw roof mount	0	0	0
11/29/2020	321	Keough Lane	Craig, Larry & Lesley	Building	Garage	2-flr gar 2 bath	24.8	0	2308.5

TOWN OF CASTLE VALLEY - PLUC Exceptions Report

Renewal Date Between 11/1/2022 And 11/30/2022

Lot	Renewal	Approval	Owner	Type	Conditions	Notes	Non-Routine
055	11/30/2022	11/30/2016	HF Holdings Inc	TDP	Renewal	On septic system	<input type="checkbox"/>

Discussion:

Rau – question about Garage on Keough – says 2 bathrooms in garage, seems odd to have garage with 2 bathrooms

Thompson - County inspector has some follow up questions on this permit request as seems the second floor is possibly planned as a residence. This residence would not be on same lot as owner’s residence; they own 2 contiguous lots.

Anderson – have same concerns, conversations with other residents, some being built 2 stories, looks like building with other intentions in mind, hearing from residents with concerns about garages that exceed the size of Town buildings, a couple exceed the size of the fire house, concerned about nature of construction going on now in the valley.

Thompson – one going up on Bailey, three car garage that looks huge, it complies with zoning, some build for motor sports uses, but one on Keough looks like they have other plans for second floor, so county is following up, county inspector can ask questions that CV BPA cannot ask (i.e. purpose of 220 outlets). Will find out if building is a residence then can take next steps. As for huge boxes, they are huge but they follow zoning, may affect eventual residence size because of the 7,000 sf per lot cap.

Hawkins – thought might be bringing in heavy equipment for business in these cases.

Thompson – PLUC may want to address in future, this is why limits were established in 2010, and these comply with zoning so BPA can’t say no. The 25-foot height limit is one BPA pays close attention to, the trouble is max height building and big box shape makes it seem more intrusive.

6. Procedural Matters^[1]_[SEP]


^[1]_[SEP] Discussion re. Update on action items from previous PLUC meetings
- no action item updates were given.

7. NEW BUSINESS –

7a. Discussion and possible action re. PLUC recommendation to Town Council to approve conditional use and business license renewals for 2021

Rau – items marked in green on the reports are the renewals

Clerk – reported on renewals and that had not received renewals on all from prior year



Rau – looked at reports, confirmed fireworks for Rick Fullam not renewing as he’s deceased and new owner does not plan to renew. On renewals, what has been done in past is to make second contact with individuals who have not contacted clerk yet. The clerk can then update the report before sending to the Town Council and then update the PLUC.

Clerk – updated PLUC on new requests.

Anderson – question on count, list looks like about a third of past requests are being renewed?

Clerk – commented looks like about 50/50 renewals right now.

Rau – not unusual that have not received responses when time to send report to town council and asked for motion to send reports to Town Council with caveat the report will be updated to send to Town Council, next meeting report under procedural matters with any new reports that have come in.

Rau – asked if have a motion to send current report with note on updates?

Thompson moved to send report to Town Council. Curtis seconded the Motion. Anderson, Hawkins, Rau, Curtis, and Thompson approved the Motion. The Motion passed unanimously.

7b. Discussion and possible action re. nonroutine solar permit application on Lot 60

Rau – opened discussion **Discussion:**

Thompson – provided summary of request stating owner does not live here. Request is non-routine due to kilowatts requested, explanation for need for this much kw to power entire home and car charging station. This requires PLUC approval.

Hawkins – looked larger than actually is, seems won’t be shining in other faces.

Thompson – dug into hillside for install, location of ground mount is well within setbacks, 30-degree tilt angle is low, less than at Town Hall, non-reflective coating does not cause glare, not very tall or vertical, close to back of lot behind the house, only immediate neighbors would be able to see.

Curtis – What is history of 10kw, is 10kw becoming dated? Will we start seeing requests for 15 kw? How did 10kw get chosen, any need to update the number?

Thompson – this is first non-routine application in 2 years since became BPA, not familiar with the history of the limit.

Hawkins – Town went through a lot of discussion to come up with that number; talked to several folks in business, what average house would need, and this was more than adequate and don’t think it needs any tweaking now.

Campbell – original arrays had larger panels and technology has improved, same size array can put out more wattage, might be good idea to review the ordinance.

Rau – average normal home use at the time reviewed was under 10kw, had understanding for non-routine requests for higher kw.

Thompson – appliances these days are more efficient so may be a wash, non-routine may delay a little because of meeting schedule, but is not a burdensome process.

Rau – agree it’s not burdensome.

Anderson – commented on Curtis question that it may be a question for future as some countries by 2035 are looking to be less carbon dependent and more electric based, 10kw ok now, but may need to look at and see if necessary to update wattage.

Rau – does PLUC want to accept non-routine application?


Hawkins moved to make motion to approve non-routine permit application. Anderson seconded the Motion. Anderson, Hawkins, Rau, Curtis, and Thompson approved the Motion. The Motion passed unanimously.

7c. Discussion and possible action re. Amending Ordinance 85-3 to reduce the number of permitted swine

Rau opened discussion – preamble context given, animal livestock numbers are included in 85-3 in section 4.9, 4.9.4, dividing animals into categories by size, expressed in terms of animal units, permits up to 30 medium size animals, would mean up to 30 swine. Found in town survey that people are not comfortable with that large a number. Prior meeting discussion would like to bring number down or not permit swine at all. Opened up for discussion, likely lead to subsequent discussion in future meeting, and public can comment after PLUC members have input.

Discussion:

Thompson – sent out background information to PLUC, Campbell, and Keeler. Keeler has been talking to people who own pigs. Thompson spoke to Darin Menlove at Castle Valley Creamery as they have a pig. A lot of people moved to Castle Valley because of the agriculture possibilities. Pigs or no pigs, everybody agrees 30 is too many, even people who have pigs couldn’t imagine more than 10, most known of is 3 adults. She has done some research across country on pigs. Digestive system differs from cows, sheep, goats (monogastric, like humans, vs ruminant).



May not belong in current medium size animal category like goats and sheep, because of biologic differences. Think we might need a separate section of 4.9 for swine due to different digestive systems and waste. Most residents have Heritage breeds; some heritage breeds do well in dry climates and some don't. Size weight limit is one factor to put in bucket of things to consider. Several lots have pigs today and many residents didn't know they were there until Keeler did survey. Nationwide articles acknowledged planning commission teams often don't have expertise in animals; we need to include livestock owners in the process and maintain community goodwill for everybody. Listed some of the zoning tools used by other communities, limiting size or breeds, setbacks, special permits, etc. Need to come up with reasonable way to handle subadults and make it reasonable for all residents. Some people breed their own pigs, and other people buy weaners and keep a few months and then butcher. Today half of owners do breeders and other half do weaners. Think about possibility of a conditional use permit, because permittees may be more likely to abide by conditions because they've signed off on it, or if not a permit system maybe a special condition for dealing with pig nuisance complaints.

Rau – asked Anderson to take over as Chair temporarily.

Anderson – asked for additional comments or questions.

Hawkins – thought we were limited on what conditions we can put on agricultural practices. Best practices accepted practices keep being said, if accepted practice not sure we can make harder on them.

Thompson – Utah state limit is on nuisance lawsuits on farms. With a CUP, if certain number of neighbors complain, may have to review at renewal. Agree to look at what is allowed by state if decide to go there.

Hawkins – read articles on heritage pigs, sounded nice but glossed over amount of waste produced by pigs, agree Heritage pigs sound better, putting a weight limit in is a good way to do it.

Thompson – Breed called Kunekune pigs owned by several folks in Valley, get up to 600 pounds [this was incorrect; it's more like 300-400]. Keeler learned the Heritage breeds do better in non-confined area.

Hawkins – thought she read if have these type pigs they need a wallow and no residents here wanted a wallow.

Thompson – if hot weather pigs might need this to stay cool, this is where limiting to 3 pigs for example would be better than 30 pigs.

Hawkins – farms in articles have massive farms, not 5 or 10 acre lots with a house on it, so not that kind of room here to let them roam.

Thompson – In the section 4.10 that was amputated there were area requirements; 4.9 has no area limits now, think about limits. Jeff Whitney has 3 pigs, Creamery has 1, Hollings we don't know, think 5 or 6 in a litter; Whitney breeds and sells most weaners and keeps 3 adults, so any rules we write need to take animal husbandry into account, rather than one size fits all. An informed ordinance is less likely to impinge on neighbors but let pig owners do what they want.

Anderson – Thompson mentioned originally there was to be conversation to get information back from livestock owners on advice on how we should move forward.

Thompson – said livestock owners were to attend the meeting tonight but did not come, maybe individual conversations are better anyway.

Hawkins – can't keep waiting meeting to meeting to address, we are close to settling on numbers.

Thompson – We need to address how many piglets can you keep? Would like to get harder information from livestock owners, many breeds out there, address how long to keep piglets after weaned, bounce this off those who have pigs to meet needs and be responsible to neighbors.

Hawkins – don't some breeds have more piglets than others? If problem is you can have three but this many piglets, breed may have effect on this, do we need control on breed or size?

Anderson – other consideration is how housing pigs or leaving free range, Jason and Ali have one large pig that free ranges, the smell not as bad until end of summer when they butchered, if kept in wallow or sty it could become unseemly for neighbors.


Thompson – been told pigs do tear up ground, don't know if can require certain amount of space.

Hawkins – space will come automatically with amount of adults and piglets.

Anderson – need information from pig owners how they are keeping the animals now to get baseline for decisions.

Rau – returned to meeting as chair and asked to make points. Likes the way livestock committee has moved forward, yet we are a public body at a public meeting, if people chose not to show up, as a public body we still have to move forward with ways that are appropriate for town, and can't wait month after month. Rau likes the number 3, agree it may be good to create a separate section of 4.9 dealing specifically with swine so pigs do not fall within animal unit category; however, animal units provide property owners with guidance on mixed types of animals.

Hawkins – thought originally went with animal units for flexibility.



Thompson – We're just talking about pigs tonight, we could set animal unit value to end up with max 3 adults, but need rules about piglets. We need to keep with a formula so can figure out combinations allowed. Possibly assign different value to pigs, to get numbers we can live with.

Anderson – asked Rau if could keep separate out by digestive output?

Campbell – requested permission to talk as part of livestock committee, counterpoints need to be made. Need to address pollution and water contamination, carefully read material from Colleen, from article on how to keep waste, saying all manure must be kept in water tight container, we are talking about more high pollution animals now, talked about smell from neighboring pigs while at pavilion for meeting. Majority of residents don't want to deal with really bad odor, could be impacted by bad smell day after day. Not fair to subject residents to this—nuisance is not a strong enough word to reflect impact on residents. Town seems to have zero will to enforce anything. If we have some who handle pigs well, that can be ok, but we have had really bad pig situations in past in Valley, so bad thought some people were going to have to leave. Set number low enough so it won't be a problem, it's not fair to residents to have this hanging out there. Livestock Committee has been stalled for 4 months, it had a reasonable proposal at its second meeting and some input with no constructive suggestions on numbers. Stalling process, do need to get on with this or it could be really bad, someone could come in now and claim the right to have 30 pigs. Heritage breed adult swine are 300+ pound animals, not medium size animals when they go to market.

Curtis – In tune with amount of time been waiting for answers from livestock owners on what to consider, need all information we can get from livestock owners but has been month after month, does feel we are stuck waiting for input not bringing to us and we need to act. My main question on setting number is on breeding vs non-breeding. I think the number of 2 pigs is good. As far as breeding pigs, how to manage litters that come 12 at a time? Breeding pigs have a litter of 12. Can't just keep waiting for answers that don't seem to be coming. Have gone out to livestock owners and formed a committee added a livestock owner to committee, and asked and asked, had monthly meetings, for public input. Agree with thought we need to get recommendations to Town Council as early as tonight.

Thompson – As a short term solution, suggest looking at 4.9 animal unit assignments. Mature swine AU is .6, beef cow is 1, what we could do soonest is we update that number. It's quicker to change this language to not allow more than 3 adult pigs, and would be better than a moratorium.

Hawkins – what is better than a moratorium?

Thompson – A moratorium would be quicker, but the quickest way to not have more than 3 adult pigs, would be to change formula. We found out it is legal to have a moratorium, with no increase in swine for 6 months. We could change animal unit value of swine, leave them in large size category as 1 or 1.5 units, and amend line at beginning to no more than 8 large animals or 3 adult swine.

Hawkins - We could still have a moratorium and update the wording

Campbell – Once council starts considering an amendment to ordinance, think 6 months waiting period kicks in.

Thompson – suggest allowing 3 based on experience of Jeff Whitney and how he operates.

Campbell – we should not set ordinances to meet need of one person. We need to address needs of all residents. Original zoning ordinance was set for personal use livestock, what was appropriate 40 years ago could use some fine-tuning now.

Clerk read teleconference chat public input—

Mayor Duncan chat - [Dec 2, 2020 at 7:55:30 PM] Jazmine: Yes, just assign them as a 1 [Dec 2, 2020 at 7:55:30 PM] Jazmine: I agree with 2, not everyone would rotate their females just because Jeff does. Some would just go ahead and breed both of them at once and that is going to lead to what we're trying to avoid.

Russ Cooper chat – russcooper1954@gmail.com 7:59 PM - I believe a moratorium would be a last resort. 3 is a great choice, and a time limit on the weaners.

Thompson – maybe first we should decide pigs or no pigs, if want to ban swine then discussion is moot. Doesn't remember what the survey results showed about banning.

Curtis – was about 50 50 response on survey.

Campbell – could make strong case for slowly phasing pigs out, if we pick no pigs, or pick 2, that's way better than 30 pigs.


Rau – asked for clerk to read new comments in chat, clerk read thumbs up from Russ Cooper, Rau asked if someone wanted to make a stab at appropriate language.

Hawkins – are we going to have a moratorium and a limit or one or other or both?

Thompson – first thing we need to decide is are we going to ban pigs or not?

Hawkins – pretty sure we agree on not banning as survey is 50 50, lower limit is more appropriate.

Curtis – don't know I can support totally banning right now.



Thompson – hoping to come up with ways to reduce possibility pig keeping would be objectionable for neighbors, think about whether a CUP for swine might help with enforcement.

Curtis – would we support 2 non-breeding?

Hawkins – I could see 2 of the heritage breeds, we support heritage breeds that don't exceed certain amount of pounds.

Campbell – could present argument for no pigs, but if we could go with 2 pigs tonight this is a massive improvement.

Hawkins – think this would have a lot of support in community.

Anderson – agree and as Jazmine suggested assign them as 1 animal unit with 2 adults maximum.

Rau – that would mean in section 4.9.4 of 85-3 under large size adults swine are assigned a value of 1 and under medium size adults, swine feeders mentioned twice is deleted.

Thompson – additionally under large size adults, add phrase “8 large size animals or 2 swine”.

Rau – who can put in language that we can work with now?

Clerk read Mayor Duncan chat - 8:07 PM - Bill you're doing a great job, congrats on almost making it through your last meeting! I really appreciate all of the work you've done for the PLUC! To clarify, a moratorium would need to be presented as an ordinance with lots of detailed reasons to back it up. I feel like some amendments to 85-3 are going to be just as effective and possibly even faster. I like where the number conversation is going, it makes the most sense for fast action.

Hawkins – so, if this proposed amendment is passed to Town Council it becomes automatic moratorium while we work on the rest?

Thompson – legal opinion was that starting amending language does not start an automatic moratorium.

Campbell – time clock states when an item shows up on Town Council agenda and is discussed, starts 6-month clock.

Mayor Duncan – actually it doesn't work that way. It was brought to our attention that since this is currently an allowed use without a permit required, to place a moratorium this would have to be presented as an ordinance and would have to include all the detailed reasons to have it. To just have on the agenda in this case does not start a 6-month clock.

Campbell – PLUC would write amended language and council has option if to do formal moratorium.

Mayor Duncan – if PLUC comes up with amended language and gets the public hearing scheduled, and get it done is the best thing. Not sure why anyone would get pigs in wintertime.

Campbell – PLUC could make motion tonight to amend max number of swine, 2 or whatever is picked, and send to Town Council. That would give Council time to talk about numbers. No, PLUC would still have a public hearing before going to Town Council.

Curtis – could we give Council two pieces?

Rau – We're required to have a public hearing if we have amendment to ordinance.

Russ Cooper – would this still allow for weaners for a period of time to fatten up and slaughter?

Thompson – Will have language for weaners.

Thompson chat of text - 8:14 PM Following large size adults over 6 months of age - (No more than 8 large sized animals from this category shall be allowed as a permitted use on each legally platted lot; no more than two adult swine are permitted per legally platted lot).

Rau – asked if swine are included in 8?

Thompson – said yes, instead of adult swine, call it broodstock swine, swine of a breed that typically does not exceed 600 pounds.

Anderson – keep it simple, decimals will get confusing.

Hawkins – think 600 pounds is high.

Thompson – Kunekune get this large [that was incorrect].

Rau – put unit at 1 and all can be revised as we have more time. Next month we will have a public hearing on this and will have the chance to get language in place.


Thompson – this is enough to get moving forward, will send final version to all.

Rau – will delete the swine lines from medium category? Thompson said yes.

Rau – motion has to be that we will table this with understanding we will have draft language for next meeting that will include a public hearing – or if don't table, but we will table, could be discussed language that will be refined for presentation to the public.

Campbell – do we need a motion to go forward in process for a public hearing?

Hawkins – why can't we have a public hearing this month?



Rau – Notice in the Times Independent has to be announced two weeks prior to the public hearing and would land on Dec 23. The next PLUC meeting is January 6 and we don't want to feel rushed and language needs to be clear for own sake, so we can respond to comments from the public and send solid information to Council. Anderson – do we need a motion?

Rau – before that, read additional chat messages of good job and thumbs up, now need a motion to table the discussion and action regarding amending 85-3 to reduce number of permitted swine.

Anderson made requested motion. Thompson seconded the Motion. Anderson, Hawkins, Rau, Curtis, and Thompson approved the Motion. The Motion passed unanimously.

Rau thanked the PLUC for all the work we do, we deal with tough issues and make the Town better in all the work we do.

UNFINISHED BUSINESS – none

CLOSED MEETING – none

PLUC asked to have a social thank you on the phone for Bill after adjourning PLUC meeting.

Summary/Action Items for December 2 PLUC Meeting:

1. **Thompson** – based on meeting discussion, complete draft language for the 85-3 amendment on swine and send to all PLUC members for review and input prior to the Jan 6 meeting
2. **Clerk** – prepare for public hearing announcements for January 6 PLUC meeting
3. **Clerk** – reach out to residents who have not sent in their renewals yet, send updated reports to Town Council for December meeting, next PLUC meeting report under procedural matters with any new reports that have come in.

ADJOURNMENT

Curtis moved to adjourn the Meeting. Thompson seconded the Motion. Anderson, Hawkins, Rau, Curtis, and Thompson approved the Motion. The Motion passed unanimously.

Rau adjourned the Meeting at 8:27 P.M.

Approved at the Planning and Land Use Commission Meeting January 6, 2021

Attested:



Jocelyn Buck Town Clerk