

MINUTES

WORKSHOP MEETING OF THE TOWN COUNCIL, TOWN OF CASTLE VALLEY  
REVISIONS TO THE ANIMAL UNIT PORTION OF  
ORDINANCE 85-3: THE CURRENT ZONING ORDINANCE  
MONDAY, DECEMBER 6, 2010 – 6:30 P.M.  
CASTLE VALLEY COMMUNITY CENTER  
2 CASTLE VALLEY DRIVE

**Town Council Members Present:** Dave Erley, Aaron Davies, Valli Smouse, Tory Hill, Brooke Williams.

**Others Present:** Mary Beth Fitzburgh, Laura Cameron, Jayne May.

1. Call to Order: 6:34 P.M.

Dave read Will Holoman's email regarding Ordinance 85-3 to the Town Council. Mr. Holoman expressed concern with two specific items in the ordinance:

1. With regard to non-complying buildings, Mr. Holoman's contention is that the Town does not have the right to demolish or remove private property.

Mary Beth said that this is written for a non-complying structure that has been abandoned and that is deteriorating to the point where it is dangerous for someone to live in it. She said that, although the terms demolished or removed are not in the state code, there may be a time when the Town desires to demolish or remove such a structure. This wording would give the Town the ability to remove it if it became a health and/or safety issue. The state code states that if it were destroyed by a natural calamity, it would be allowed to be rebuilt in the same non-complying manner. However, if it deteriorates it can be rebuilt only as a complying structure.

2. With regard to the size of one acre as a residential housing acre to be excluded from the total acreage available for animal unit calculation, he feels that this is too large a portion of the lot and should be more on the order of ½ acre or less.

Mary Beth said that it is not a calculation but an approximation of the land available for livestock. She suggested that the term residential housing unit may be changed to residential use, because it is not just a residence but also includes easements, driveways, etc. Valli pointed out that the County Assessor actually deems one acre as a residential lot in your assessment and you get a tax reduction on this. This approximation is used statewide.

Mr. Holoman requested a written response to his comments prior to adoption of the ordinance. Dave has drafted a response. He read part of this response and will make additional comments based on what was discussed in tonight's meeting; he will email it to the Town Council prior to responding to Mr. Holoman.

2. Discussion of Revisions to Ordinance 85-3: The Current Zoning Ordinance.

**Discontinuance or Abandonment**

Mary Beth commented that this Section was taken word-for-word from the state code other than where the state code says "municipality", she changed this to "Town".

Aaron found a grammatical error for Section 6.1, Complying Buildings.

**Agricultural**

Mary Beth went through the changes by definition relating to the attached portions of the Ordinance. Quite a bit of time was spent on the Agriculture portion of the Ordinance. Our designation is RAR (Rural Agricultural and Residential). The state code defines a lot of five acres or more as an agricultural lot which does not require a building license for agricultural buildings. If you live in an area where lots are zoned less than five acres, this is considered a residential area. Castle Valley is considered an Agricultural zone since it is zoned five acres or more.

Aaron asked for clarification on the meaning of Agricultural and expressed a concern that the meaning, or future changes to the meaning, might not involve the keeping of livestock. He asked for the exact means of calculating livestock allowable on each lot. Discussion followed on how the animal units allowable by right and under a Conditional Use Permit were determined.

Tory suggested defining Agriculture as being the work of producing crops and raising a limited number of livestock.

Mary Beth said there are a limited number of animals allowed on each lot under the definition of Agriculture. There was some discussion about the attempt to avoid "feedlot situations" where an excessive number of animals are kept in a very small place, as people are concerned about the humane treatment of animals. There was also a lengthy discussion as to specifically what types of animals were covered under the term "livestock". Specific types of allowable animals are listed in the Ordinance.

The definition of kennel also raised a number of issues. However, it was finally determined that this is covered in the animal control ordinance as domestic animals such as dogs and cats are not considered livestock.

It was stated that any appeals to the land use ordinance would be referred to the Board of Adjustments.

Mary Beth will make all appropriate changes, but wait to distribute the new copies until after the next workshop meeting when additional changes can also be included.

Tory motioned to adjourn the meeting. Aaron seconded the Motion. Dave, Aaron, Valli, Tory and Brooke all approved the Motion. The Motion passed unanimously.

Adjournment: 8:47 P.M.

**Approved:**

**Attested:**

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**David D. Erley, Mayor**

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**Denise Lucas, Town Clerk**