

MINUTES
PUBLIC HEARING ON PROPOSED REORGANIZATION OF AND AMENDMENTS
TO ORDINANCE 85-3, AN ORDINANCE PROVIDING FOR ZONING IN THE
TOWN OF CASTLE VALLEY, UTAH
and
REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION

Date: Wednesday, October 6, 2010

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Laura Cameron, Mary Beth Fitzburgh, Marie Hawkins, Eddie Morandi

Absent: Lou Taggart

Others Present: Skip Ambrose, Eleanor Bliss, Chris Florian, Tory Hill, Jeff Johnston, Bruce Keeler, Erik Secrist, Jeff Whitney

PUBLIC HEARING

Call To Order: 7:03 P.M.

PUBLIC HEARING ON PROPOSED REORGANIZATION OF AND AMENDMENTS TO ORDINANCE 85-3, AN ORDINANCE PROVIDING FOR ZONING IN THE TOWN OF CASTLE VALLEY, UTAH.

Tory Hill expressed appreciation for work done by the Planning and Land Use Commission on reorganization of Ordinance 85-3.

Mary Beth read a letter from Darin Menlove in which he expressed general support of the sections of the Ordinance pertaining to the raising of livestock, but thought that the minimum number of medium-sized animals for a permitted use was too low. As a co-owner of the Castle Valley Creamery, he said that their operation would be affected by the changes. He felt that the limits should be set to fit what people are currently doing rather than creating a situation where some operations are grandfathered. He also asked why coop and barn size for small and medium-size animals were stipulated but not for large animals.

Erik Secrist (co-owner of Castle Valley Creamery) also wanted the maximum number of medium-size animals allowed under permitted use to be raised to 30. He did not think that donkeys should be in the same category as goats. He also reported that an agricultural/environmental specialist who had recently visited his farm had a positive response to his livestock operation and management and did not see any issue with 30 goats on his property.

Jeff Whitney stated that he did not expect the livestock limits to include the current number of livestock that he now has. He expects his activity to be grandfathered. He agreed with Darin Menlove that the Castle Valley Creamery, as a viable business, should fit within the requirements of the Ordinance and should not be a grandfathered facility.

Erik stated that the Creamery would rather operate within the Permitted Use limits rather than the Conditional Use limits.

Bruce Keeler expressed his approval of the proposed changes in this draft and feels it has simplified the conditional use process for raising livestock.

Mary Beth clarified the proposed limits on livestock for Permitted Use. The limit for Permitted use is one and one-half (1-1/2) animal units per acre. One acre of land on each lot is designated residential and excluded from livestock raising which means that six (6) animal units are allowed on a five (5) acre lot. The Ordinance also imposed a cap on small, medium, and large-size animals. Pages 23-24 outlines the categories and caps for each category.

Skip Ambrose expressed concern about the impact the proposed numbers would have on neighbors. He felt that neighbors should have input on permitted uses as well as conditional uses.

Laura Cameron suggested that the Nuisance Ordinance would provide an avenue for input.

Skip replied that the size of the impact increases if every neighboring lot reaches the maximum amount of animal units allowed.

Eleanor Bliss also expressed some concern about the impact of several neighbors having livestock, but she did think that the animal units proposed seemed fair.

Tory asked how the requirement (page 23) that barns, sheds, and corrals be 100 feet from an existing dwelling on a neighboring lot would apply to lots where there is no existing dwelling.

Jeff Whitney confirmed that the 100-foot limit is a standard state regulation.

Mary Beth suggested that the Ordinance require the structure to be 70 feet from the property line.

Chris Florian asked about recourses available if odor or insect problems were to arise.

Mary Beth responded that expected management practices for permitted uses are listed in Section 4.9 (page 22) which allows recourse to neighbors when these practices are not being followed. She stated that the intention of the Ordinance is to balance Castle Valley's mixed zone residential/agricultural designation. People have moved here expecting that benefit. The Ordinance is also intended to protect the peace and quiet that people want here.

Jeff Whitney stated that Castle Valley is the last place in the county that has lots big enough to do something with livestock. He did not think that the CV community could support very many commercial operations, but he did feel that a few operations could thrive here.

Erik commented that the proposed Ordinance, as written, would discourage any large-scale agricultural activity in the valley. Jeff Whitney agreed.

Bruce commented that permitted uses can be easily amended, whereas conditional uses cannot be changed in mid-course. He also noted that the Nuisance Ordinance allowed an avenue of recourse.

Skip expressed concern about someone putting animals on lots that they do not own.

Tory commented that grazing animals might control vegetation on unoccupied lots.

Marie Hawkins asked about someone who owns multiple lots and raised livestock on lots not occupied.

Erik thought this scenario unlikely because of the cost of lots.

Skip noted that there is a current proposal for this, and that a well might be drilled near Castle Valley's irrigation water source, which could impact the quantity of water available.

Tory asked for clarification of the prohibition on rendering plants in Section 4.4 (page 16) and whether that included making jerky.

Mary Beth responded that it would not preclude that activity.

Jeff Whitney noted that rendering plants do need to be prohibited in the Ordinance because it is considered a legitimate agricultural activity in State Code.

Jeff Johnston expressed his feeling that the cap on the number of chickens allowed for permitted use should be higher. He was also concerned about the imposition of additional ordinances when he felt there were already many on the books that were not being enforced.

Erik agreed that the number permitted limit on small-size animals was low. He thought that the number could be doubled.

Mary Beth acknowledged the general feeling that the cap on small-size animals was too low. She noted the value of fowl as a good organic approach to controlling grasshoppers. The PLUC will re-evaluate this limit during its Regular Meeting.

Bruce agreed that the limit on chickens was too low.

Eleanor commented that most complaints she heard about chickens had to do with roosters.

Skip expressed his concern that the cap on the number of cows is too high. He recognized, however, that the Town has to start somewhere. He is still concerned that someone might try to start a commercial operation.

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

Adjournment of Public Hearing: 7:55 P.M.

REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION

CALL TO ORDER: 7:55 P.M.

Open Public Comment.

None

APPROVAL OF MINUTES

Regular Meeting September 1, 2010.

Eddie motion to approve Draft 2 of the Minutes from September 1, 2010. Laura seconded the Motion. Laura, Mary Beth, and Eddie approved the Motion. Marie abstained. The Motion passed with three in favor and one abstention.

REPORTS

3. Town Council Meeting – Chair.

Mary Beth reported that the Town Council approved the Conditional Use Permit for the Castle Valley Creamery. Three members voted in favor, one member voted against, and one member was absent.

4. Building Permit Agent.

There was no permit activity during September. Faylene reported on a discussion with Dorothy at the County Assessor's office to set up a procedure to report Certificates of Land Use Compliance to the Assessor's office. She also reported a discussion with Jennifer Mengel regarding how to set up a reporting protocol with the Board of Adjustments so that the Building Permit Agent is advised of decisions made by the BOA. Mary Beth will send Faylene some forms that provide for reporting BO decisions.

NEW BUSINESS

None.

OLD BUSINESS

Discussion re: reviewing and amending town ordinances that limit the number of livestock which can be kept on five acres of land (tabled).

Marie motioned to untable Item 5. Eddie seconded the Motion. Laura, Mary Beth, Marie, and Eddie approved the Motion. The Motion passed unanimously.

After a discussion of comments made during the Public hearing, PLUC members agreed to:

a. change wording in Section 4.10 (page 26) to ensure that the proposed acreage required for livestock is made available to the animals.

- b. add language that states that livestock can only be kept on the lot where the owner resides or on a lot contiguous to where the owner resides.
- c. increase the cap on the number of chickens allowed to 100 under Permitted Use and to 150 under Conditional Use.
- d. change language in Section 4.2.G (page 16) and in the reference to “barns, stables,...” (page 23) to read “at least 70 feet from contiguous lot lines or at least 100 feet from an existing dwelling on a neighboring lot.”
- e. transfer feeder goats and miniature goats (page 24) from small-size animals to medium-size animals.
- f. increase the cap on medium-size animals (page 23) from 20 to 30.
- g. change the phrase “organic fertilizer” in Section 4.9 (page 22) to “soil amendment.”
- h. change animal units for cow (page 23) from 1.4 to 1.
- i. insert the phrase “male livestock may be limited...” in the second bulleted item on page 26.
- j. correct minor spelling, grammatical, and phrasing errors.

Left untabled.

Discussion and possible action re: reorganization and revision of Zoning Ordinance 85-3 (tabled).

Eddie motioned to untable Item 6. Marie seconded the Motion. Laura, Mary Beth, Marie, and Eddie approved the Motion. The Motion passed unanimously.

In addition to changes in Section numbers and minor grammatical and phrasing changes, PLUC members agreed to:

- a. incorporate language provided by Gerry Kinghorn in the definitions for “Building” and “Municipal Building.”
- b. add definition of “feedlot.”
- c. remove the prohibition of a porch for TAD dwellings for medical purposes.
- d. add the phrase “including municipal buildings” to Section 5.2 (page 29).
- e. remove the reference in Section 9.2.D to a violation being considered a separate offense for each day that it occurs.

Other changes that were made at previous PLUC Meetings were also reviewed.

Marie motioned to recommend the changes made in Ordinance 85-3 be adopted by the Town Council at their discretion. Laura seconded the Motion. Laura, Mary Beth, Marie, and Eddie approved the Motion. The Motion passed unanimously.

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

Left tabled

Discussion and Possible Action re: Policy for meeting cancellations and other PLUC procedural matters.

PLUC members agreed to add this item to the Reports section of the Agenda for future PLUC Meetings.

Use of the Town's new e-mail program was reviewed.

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

ADJOURNMENT: 10:04 P.M.

APPROVED:

ATTESTED:

Mary Beth Fitzburgh, Chairperson Date

Denise Lucas, Town Clerk Date