

MINUTES
WORKSHOP MEETING OF THE PLANNING AND LAND USE COMMISSION
AND THE TOWN COUNCIL FOR DISCUSSION OF PROPOSED
REORGANIZATION AND AMENDMENTS TO ORDINANCE 85-3

Date: Wednesday, November 3, 2010

Time: 6:00 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Laura Cameron, Dave Erley, Mary Beth Fitzburgh, Marie Hawkins, Tory Hill, Valli Smouse, Lou Taggart

Absent: Aaron Davies, Eddie Morandi, Brooke Williams

Others Present: None

1. Call to Order at 6:01 P.M. by Dave Erley.
2. Open Public Comment.

Mary Beth reported on public comments made at the Regular Meetings and Public Hearing held by the PLUC on the amendments related to livestock limits. Those present at these meetings were in favor of the amendments presented. Jeff Johnston had the only negative comment which concerned the increasing number of ordinances in Castle Valley and the failure to enforce those we have. Eleanor Bliss and Chris Florian had first expressed concern that the limits were set too high, but also recognized the middle ground presented in the amendments. Laura noted that residents were involved in the decision-making process from the beginning. Darin Menlove had expressed his appreciation to Mary Beth for the opportunity to be involved. Tory confirmed Mary Beth's consensus of deliberations at the Public Hearing. No comments were made on other parts of the reorganization and amendments to Ordinance 85-3.

3. Discussion of proposed reorganization and amendments to Ordinance 85-3.

Valli expressed her feeling of disengagement from the PLUC's work on the reorganization of Ordinance 85-3. Even though regular reports were made to the Town Council, the work was never discussed during the TC meetings.

Tory reported on attending some of the PLUC workshops and the Public Hearing on the reorganization and amendments to Ordinance 85-3. After reading the documents, she feels ready to consider the changes. She reported that this draft has satisfied some of the concerns she had earlier.

Dave commented that the public had given the Town a mandate to address animal limits in the Valley after threat of a dairy in Castle Valley and that the Town Council had asked the PLUC to address the issue. He asked about the organization of page numbers and tracking where one was in the document on any given page. Tory will research how to use footers on individual pages for tracking.

Mary Beth suggested using the Workshop time to make sure that TC members understand the draft rather than discussing whether they were in favor of the content. Dave agreed.

Laura noted that the PLUC had spent a lot of time refining the definitions to make them clearer and asked that the TC look at these closely.

Dave agreed this was important and also noted the need to look for undefined terms used in the document. He thought that the reorganization seemed logical.

Mary Beth pointed out that the Table of Contents provides a good outline of the layout of the document. The organization is based upon the work of other municipalities within Utah.

Dave and Tory observed that the document progresses from the general to the specific and it appeared easy to identify where items could be found.

Valli expressed concern about the dispersal of definitions relating to conditional use (e.g., nonpermanent, permanent). She wondered whether related definitions should be together.

Faylene suggested that the most general term could reference the other terms (see also...) which would retain the alphabetical listing of definitions.

Dave expressed concern about the language related to the General Plan (which is discussed later). Tory suggested changing the wording to reflect that Castle Valley does have a General Plan. The group also decided to eliminate the reference to zoning.

The group discussed the use of the undefined term “yard” on page 26 under bullet 6. After discussion, it was decided to substitute the phrase “outside area” or other language wherever the term “yard” appeared (bullets 6, 8, and 9).

After a review of the definitions, the group decided to:

- a. delete domestic elk as permitted livestock because of their connection to chronic wasting disease in wild deer (pages 6 and 23).
- b. follow the format in the definition of “Bed & Breakfast” that states it is “not permitted” in the definitions of “short-term rental,” “feedlots,” and “kennels.”
- c. add “see livestock” at end of “agriculture” definition.

The group discussed the need for a definition of “animal rendering plant” and the desirability of fur farms. These items are addressed in Section 4.4.C. They are prohibited.

Dave asked about the filing fee of \$25 required in Section 2.2 (page 13) from any person seeking an amendment of the land use ordinance. Mark Beth responded that the fee was to cover possible costs, such as copying.

The group agreed to assign numbers for subsections throughout the document, including the definitions and to remove the reference to “Bed and Breakfast” in Section 4.5.E (page 17).

Valli noted that “commercial agricultural use” in Section 4.5.G is not defined. Mary Beth responded that this language reflects the current fence ordinance which needs to be addressed by the PLUC.

In response to a discussion of the livestock limits, Mary Beth noted that, according to Craig Call, a conditional use permit cannot be denied because of a neighbor's complaint if the livestock owner is fulfilling the requirements of the CUP.

The dual nature of Castle Valley was discussed with the need to strike a balance between agriculture and residential use. It was noted that Castle Valley is one of the few places in Grand County where one can have animals. Mary Beth reported that the general feeling of CV residents involved in the livestock limits discussion felt that the number of restrictions imposed in the Ordinance would discourage commercial livestock businesses in the Valley. Valli reflected that many people who have concerns about neighbor's livestock would never express a complaint to the Town Council. It was noted that enforcement is a problematic issue for Castle Valley. Dave suggested a future solution that would establish cumulative numbers for livestock which would be controlled by the issuance of permits. When the cumulative numbers are reached, no new permits would be issued.

Both Dave and Valli expressed concern about the livestock limits being too high, although Dave acknowledged that he was impressed with the consensus that was reached at the PLUC meetings. Mary Beth and Marie emphasized that most of the concern expressed at the meetings were related to the number of large animals. Valli asked why not set one set of maximum limits and dispense with the conditional use requirements. Reasons stated for the separation of permitted use and conditional use related to water quality and an attempt not to be too restrictive while still imposing requirements on larger operations. The sentiment within the Valley for sustainability was also noted.

In Sections 4.2, 4.5, 4.9 and 4.10 the group agreed to insert the word "or" between each number that illustrates the cap imposed on different size animals.

Mary Beth noted that the changes made in Section 4.11: Temporary Accessory Dwellings for Medical Purposes (page 26) arose in response to problems with the last application for a TAD. Changes were made to avoid the difficulty of long distance travel on an ailing parent in order to get a local doctor's report before the TAD is granted and to allow a caretaker (often the spouse) to live in the TAD.

Changes in Section 5.7 (page 31) were made at the request of Jeff Whitney, Grand County Building Inspector, to ensure that all structures in which someone would be living would meet the state code for a residency.

Changes in Section 6.5 (page 32) bring the language into compliance with state law as advised by David Church. The definition of "abandoned" was discussed. It is defined within the Ordinance and by state law as non-use over a period of 12 months. The provisions added here allow a grandfathered use to be suspended and also allows the Town to demolish or remove a noncomplying building.

The changes to Section 7.2 (page 33) restore all deleted information except for item D. That deletion will be referred to Gerry Kinghorn for his opinion. The rest of the wording is from Ordinance 2006-3 with minor changes.

The Enforcement section in Chapter 9 (page 38+) follows state code. Contact procedures on page 39 will be reviewed by Gerry Kinghorn.

