

MINUTES
REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION

Date: Wednesday, February 3, 2010

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Lou Taggart, Mary Beth Fitzburgh, Laura Cameron, Marie Hawkins

Absent: None

Others: Pam Hackley, Bob Lippman, Dave Erley, Lesley Craig

CALL TO ORDER 7:03 P.M.

1. Open Public Comment.

None

APPROVAL OF MINUTES

2. Regular Meeting of January 6, 2009.

Lou motioned to approve the January 6, 2009, Minutes as presented. Marie seconded the Motion. Lou, Laura, Marie, and Mary Beth approved the Motion. The Motion passed unanimously.

REPORTS

3. Town Council Meeting – Chair.

There was nothing to report from the last Town Council Meeting. Mary Beth did report that the Town Council will be reviewing a nomination for the vacant seat on the PLUC at their next meeting.

4. Building Permit Agent

A Certificate of Occupancy was signed for Lot 177 and a Routine Conditional Use Permit was approved for Lot 306. Also one additional Business License was issued for a business on Lot 430 which had already been approved for CUP renewal. The 2010 Business License Report was updated accordingly.

Dave Erley and Jack Campbell will be added to the mailing list to receive PLUC monthly agendas. A copy of each month's Building Permit Report will be sent to Denise for the Town Council meetings.

NEW BUSINESS

5. Discussion and possible action re: reviewing and amending Ordinance 96-1: Watershed Protection Ordinance.

Bob Lippman and Pam Hackley, both Castle Valley residents, were invited to this meeting to familiarize the PLUC members with watershed protection issues and the work that is currently being done in Grand County regarding watershed protection. Bob is a member of Canyonlands Watershed Council (CWC) and a member of the Castle Valley Fire Commission. CWC is modeled on a national movement called the Watershed Council which was established in Oregon and California about 20 years ago to re-establish watershed protection as a basis for governing with a holistic effort. The Canyonlands Watershed Council is a coalition of citizens from southeast Utah in Grand and San Juan counties. Pam Hackley is a member of the Grand County Planning Commission.

CWC is currently working to help educate community leadership in Grand County and the City of Moab to create plans in the framework of watershed protection for healthy and safe communities. The USGS is sponsoring a Moab/Spanish Valley Water Study. Bob encouraged Castle Valley to become involved in this planning process which includes application for grant money. Dave Erley will attend the next meeting to request that Castle Valley become part of this group. He hopes to determine whether Castle Valley could be part of this group, whether it might be included in a follow-up study, or whether Castle Valley would need a water study if the State of Utah were to decide to end private water rights in Castle Valley and require all water rights to go through the Town. The group meets the first and third Thursday of each month at the Grand County Public Library.

According to Bob, the Castle Valley watershed protection plan should be comprehensive so that it can serve as a guide for decision making. Watershed protection planning must be inclusive because BLM, Forest Service, SITLA, Utah State lands and forest, fire protection plans, and surrounding communities all may have jurisdiction in the watershed. A comprehensive plan can provide the foundation for regulations and grant the authority necessary to maintain a particular set of goals.

Bob said that a water study for Castle Valley could establish a baseline to use in monitoring and managing goals and values for septic density, number of wells, livestock, etc., that would be part of a watershed protection ordinance. A water study could help the Town create a water budget related to the quality of water and the quantity of water and how it is affected by the recharge rate. According to Pam, Castle Valley has an advantage in not having to treat its water at this point which could be in our favor in getting a water study.

Suggestions from Bob for the PLUC to consider in revising its Watershed Ordinance included:

- broaden the scope of the ordinance,
- frame the language and context in the ordinance to identify what it wants to regulate that may lie outside the jurisdiction of the Town,
- expand and bring definitions up to date,
- identify potential impairments to water quality in Castle Valley,
- identify protection issues water quality and quantity,

- incorporate items in other ordinances related to septic, drainage, livestock, water quality, test wells, monitoring, etc., into the watershed ordinance,
- identify the need to assemble information.

The PLUC will explore watershed ordinances in Grand County and other communities. Crested Butte, CO has been a pioneer in watershed protection, although its water source is surface water, not a sole-source aquifer as in Castle Valley. Grand Junction, CO, has also instituted a broad watershed protection plan that includes drilling issues. PLUC members felt it important to include the issue of oil drilling on Porcupine Rim even though it is not directly in the Castle Valley Watershed. Bob suggested that mining be addressed under a large umbrella that identifies open space, view shed, dark skies, and other issues that could provide a buffer to mining interests.

Mary Beth outlined a long-term process in revising the Watershed Protection Ordinance that would coordinate Castle Valley needs with the needs of other groups that have been identified during the discussion. Bob pointed out the importance of cooperation and partnerships with surrounding entities such as the Daystar Academy. Dave also suggested dovetailing the revision of the Watershed Ordinance with the Castle Valley Fire Commission's plan to amend its Community Wildfire Protection Plan (CWPP). Bob gave some background information on the Castle Valley Fire District and explained how its CWPP differed from the Forest Service proposal for Willow Basin.

Other items PLUC will consider in its watershed protection plan are a buffer zone, livestock issues, septic density, and fuel storage. Pam reported that weed management by the Forest Service and State lands present a watershed quality issue when they use herbicides and pesticides. The Forest Service and the Firewise program have been using herbicides in the control of tamarisk and Russian olive without informing related groups beforehand. Plateau Restoration currently has a weed control project in our area and can serve as a resource on this issue.

Pam prepared a number of resources related to watershed protection for the PLUC. She will email a list of resources with web links which Mary Beth will email to PLUC members. Pam will ensure that all water information from her term as PLUC Chair is placed in Castle Valley's reference collection. She will provide a synopsis of the studies included. John Freethey, John Buchanan, and Mary O'Brien were suggested as additional local resources.

PLUC members thanked Bob and Pam for their contribution to the meeting. Before the next meeting, PLUC members will read through the Canyonlands Watershed and Sustainability Plan provided by Bob and other references provided by Mary Beth.

OLD BUSINESS

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

Laura motioned to untable discussion of town ordinances that limit the number of livestock which can be kept on five acres of land. Lou seconded the Motion. Lou, Laura, Marie, and Mary Beth approved the Motion. The Motion passed unanimously.

Mary Beth reported that this issue has recently come up in Castle Valley with a potential property buyer wanting to establish a 12-cow organic dairy farm on a five-acre lot. PLUC will continue to study this issue by examining Castle Valley's CUP process and related ordinances in Grand County that set grazing standards for lots less than five acres. Members and others present brought up related issues that make the Castle Valley site unique; such as, mixed residential/agricultural zoning, confined aquifer, water rights, flash floods, proximity of neighbors, the Town's General Plan, and ability to monitor CUP limitations.

Mary Beth will make a copy of the Grand County ordinance governing grazing standards and livestock limitations available for committee members at the next meeting. Dave will talk with the Town's attorney about commercial livestock businesses and how standards can be placed on an agricultural business through a local ordinance.

Marie motioned to retable discussion of the livestock ordinance. Lou seconded the Motion. Lou, Laura, Marie, and Mary Beth approved the Motion. The Motion passed unanimously.

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

Laura moved to untable discussion of reorganization and revision of Zoning Ordinance 85-3. Lou seconded the Motion. Lou, Laura, Marie, and Mary Beth approved the Motion. The Motion passed unanimously.

Mary Beth provided a draft that she had prepared to show how Castle Valley land use ordinances could be reorganized into a single Land Use Code. A Table of Contents maps out the plan by organizing related issues into Chapters. Mary Beth reviewed the kinds of changes that were needed initially to create a single document. They included: simplify formatting, change section references where needed, create subsections for easier access to information, update terminology, create consistent terminology, update language, add language for clarification, match definitions to changes made in ordinances, reduce redundancies, change language to conform to state law, add language to match Grand County enforcement language, adjust language to match definitions provided by attorney, change dates and time periods to match state law, change values and fines to match that for Class B misdemeanors, correct omissions and misspellings, and save places for information yet to be decided.

Issues that need to be addressed in greater detail include nonconforming uses, clarification of 6.5.D—Raising or boarding of livestock or other animals for sale or compensation—to include “products from livestock,” and Temporary Accessory Dwellings.

The primary concern expressed by PLUC members in making these decisions regarding limiting livestock is quality of life in Castle Valley and protection of the aquifer. The goal is to maintain a residential community but still allow some businesses with low impact.

Mary Beth asked PLUC members to read through the draft of the Land Use Code before the next meeting. Discussion will continue at the next meeting. Lou will email her report on Castle Valley Ordinances and how they relate to one another to members.

Marie motioned to retable discussion of reorganization and revision of Zoning Ordinance 85-3. Lou seconded the Motion. Lou, Laura, Marie, and Mary Beth approved the Motion. The Motion passed unanimously.

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

ADJOURNMENT 9:29 P.M.

APPROVED:

ATTESTED:

Mary Beth Fitzburgh, Chairperson Date
Planning and Land Use Commission

Denise Lucas, Town Clerk Date