

MINUTES
REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION

Date: Wednesday, July 7, 2010

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

CALL TO ORDER: 7:03 P.M.

Present: Laura Cameron, Eddie Morandi, Mary Beth Fitzburgh, Marie Hawkins
Absent: Lou Taggart
Others Present: Jeff Whitney, Erik Secrist, Rebecca Martin, Jeff Johnston, Bruce Keele ,
Eleanor Bliss, Lesley Craig

1. Open Public Comment.

Jeff Whitney expressed his concern, as building official for Grand County and for the Town of Castle Valley, about building permits issued from Castle Valley for studios that will be used for dwellings. He feels caught between what Castle Valley allows as a living space and what the State of Utah allows as living space. He feels that any studio used as dwelling should contain all the living elements of a dwelling, including kitchen and separate restroom space. These requirements can be met in as little as 190 square feet. Grand County and the City of Moab do not allow accessory buildings to be built before the primary residence. Castle Valley does. Castle Valley's decommissioning process could be used to bring a studio with kitchen and bath into compliance when the primary residence is built.

Bruce Keeler warned that "creative" definitions used in ordinances do not hold up in court.

Jeff Whitney informed the PLUC that Grand County codes have been updated to the 2009 International Building Code, with the exception of the electrical code. It adheres to the 2008 National Electrical Code (NEC). Castle Valley will need to update its Ordinances to reflect this change.

2. 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 discussion of the livestock ordinance. Eddie seconded the Motion. Marie, Mary Beth, Eddie, and Laura approved the Motion. The Motion passed unanimously.

Mary Beth explained that the goal of the PLUC is to balance the mixed use of personal and commercial livestock raising with quality of life concerns for residential use and to provide water quality protection of Castle Valley's aquifer. She stated that the PLUC is addressing this issue in response to public comment and the last survey in which 69% of those responding favored some limits on the number of livestock that can be kept on five acres of land. Documents made available to the public at this meeting include the Grand County animal use list and examples of livestock limits in a number of municipalities around the state.

Jeff Johnston asked where the PLUC currently stands on this issue. Mary Beth described one idea that would designate one acre of each lot as residential, which would leave four acres for livestock raising. Two animal units per acre would be permitted which equals eight animal units for four acres. Animal units are based on the animal's grazing impact on the land. Only some of the Utah municipalities use the animal unit model. Some use other point systems. There is no standard throughout the state. In Grand County, one cow equals one animal unit, but ten goats are allowed for each unit, and 50 chickens constitute a unit. More animals could be allowed through the Conditional Use Permit process. Property owners would have to show that they can mitigate the effects of more animals.

Jeff Whitney stated that he currently exceeds eight animal units on his property. He acknowledged the impact that animals have on the land and on neighbors. He remembered being able to smell a neighbor's goat at one point. He considered that to be part of living in a rural area.

Eleanor Bliss emphasized the impact that animals have. The land can turn to dust within a month.

Jeff Whitney stated that a person has to be responsible. He has five horses, two buffalo, one brood pig, and 50 chickens, but his property is not denuded. He noted that not everyone grazes their animals.

Bruce Keeler mentioned that current owners with more animals will be grandfathered in.

Eleanor Bliss noted that there are now more people in the Valley, so there are more issues.

Jeff Whitney commented that his septic probably had a greater effect on water quality than his animals.

Eleanor Bliss reminded the PLUC that the height of the water table varied throughout the Valley. She suggested that fewer than eight animal units be allowed.

Erik Secrist did not want to see agriculture phased out in Castle Valley. It is one of the few places in the County with arable agricultural land. He felt that agriculture should remain an accepted (permitted) use.

Eleanor Bliss told of a herd of 80 cows which found their way out of a fenced area near her property and ate everything. She noted that she supports what Erik is doing and wants to encourage creative husbandry. More often than not, it seems animals are just stuck someplace.

Erik Secrist expressed his concern about abuse of animals and the land. While he would not want 8 animal units of goats to care for, he would not want to impose that decision on others who might operate differently. He currently has 15 goats.

Jeff Johnston noted that one chicken equals .02 units, which would allow more than the 50 chickens mentioned earlier.

Jeff Whitney responded to a question from the PLUC about the land impact from animals in other parts of Grand County. He said that very few places max out their animal use limits. There are a few horse boarding places and the George White ranch, both in Rural/Residential areas that come close. Grand County does not regulate animal use on property over five acres.

Eleanor Bliss said that the concern amongst neighbors of the dairy proposal in the lower valley was the clearing of the ground and overpumping of the aquifer.

Jeff Whitney stated that his well is not losing water.

Mary Beth noted that some people on the rim have lost water just from residential use.

Jeff Johnston suggested establishing different zones for different parts of the Valley and/or connecting animal limits to water rights.

Mary Beth mentioned that some zoning regulations require ½ acre of pasture per horse.

Jeff Whitney, Erik Secrist, and Bruce Keeler commented on feedlot operations.

Marie Hawkins felt it best to err on the conservative side. She noted that it is easy for people to say they can mitigate the impact of their animals, but what happens once the nitrates are in the water?

Other discussion included the effect of 400 chickens, attraction of predators, the accommodation of the short-term increase in animal numbers due to breeding, wandering animals, fencing issues, a mentoring program, and different levels of sensitivity to noise, smell, and sight.

Erik Secrist noted that agricultural people need to make allowances, but residential owners also need to make allowances for agriculture.

Additional discussion centered around promoting sustainable agriculture and a sustainable community, as well as some way to make local produce easily available to others in the community.

Jeff Johnston asked for another meeting when the public could make comment and suggested that the Ordinance might impose a low number of animal units for the first year, then allowing property owners to increase the number in subsequent years.

Bruce Keeler noted that the community does not have the means to monitor animal use.

Mary Beth asked for continued input and requested that those present leave their e-mail addresses for further contact. She will prepare a draft based upon comments heard at this meeting.

Ed motioned to table discussion of the livestock ordinance. Laura seconded the Motion.

Marie, Mary Beth, Eddie, and Laura approved the Motion. The Motion passed unanimously.

APPROVAL OF MINUTES

3. Regular Meeting June 2, 2010

Marie motioned to table approval of the Minutes until a quorum of those present were in attendance. Laura seconded the Motion. Marie, Mary Beth, and Laura approved the Motion. Eddie abstained. The Motion passes with three in favor and one abstaining.

REPORTS

4. Town Council Meeting – Chair.

Mary Beth reported that amendments to Ordinance 85-3 were passed at the last Town Council Meeting. Changes made by the Town Council and the PLUC at the joint workshop were included.

The Town Council has asked the PLUC to:

- (1) create a municipal zone for the town lot which would allow the Town to exceed the 7,000 S.F. limit on building by 2,500 S.F. See Item 7.
- (2) consider a mining policy for Castle Valley. See Item 8.

5. Phone conversation with David Church - PLUC Chair.

Mary Beth learned from David Church that a single document Land Use Code including all the Town's separate land use ordinances is allowed by State law to be published for the public. However, each Ordinance still needs to be on the books separately. As a result, she has removed some of the Ordinances from the revised draft of Ordinance 85-3 which will be reviewed under Item 9. References to other Ordinances have been retained in the draft for referral purposes.

David Church also informed her that a nonconforming structure designation passes with the land, as long as the structure has not been abandoned or unused for one year or more. This does not apply to legal structures. A nonconforming use designation lapses after one year of non-use.

According to David Church, public buildings are not a conditional use. They must adhere to the Town's zoning requirements. However, the zoning for the Town Lot can be changed.

5. Building Permit Agent.

A building permit for a mechanical building was issued to Lot #73 and a building permit for a roof over two decks was issued to Lot #230. PLUC members asked Faylene to calculate the total square footage built and to be built on Lot #230 and report to PLUC members by email. One routine CUP was approved.

NEW BUSINESS

7. Discussion and possible action re: creating a municipal zone for the town lot.

The Road Committee has asked that the PLUC explore a zoning change for the Town Lot to allow them to exceed the square footage limits on the lot. The Road Department wants to build an equipment shed for winter maintenance. The two buildings currently on the lot have a combined square footage of about 5800 S.F. The Town has asked for an allowance of 9500 S.F. Mary Beth has not found any reference to municipal zones. In most places, public buildings are located in commercial zones and are required to meet local zoning requirements. Mary Beth will talk to Dave Erley about contacting Gerry Kinghorn regarding possible zoning designations.

Eddie questioned whether this decision should be based on one year of harsh weather and felt it very important to get public input before making a decision.

Marie wondered whether the Town could buy or lease a vacant lot for the road shed, but Mary Beth reported that no portion of a lot without a residence can be leased.

Members discussed alternative options, including a conditional use permit, a variance, and building on the land that Fire Station #1 occupies. Mary Beth reported that Dave Erley had talked with David Church, who said that a CUP was not possible in this situation. According to state law, a variance would not apply in this case. The use of the fire station land on the Loop Road would depend upon the Castle Valley Fire Department's ability to buy the land through a CIB grant and allowing the road equipment to use Shafer Lane. Mary Beth will ask the Road Department about the possibility of putting the road shed on the Fire Station lot.

Members agreed to ask Dave Erley to talk with Gerry Kinghorn about rezoning the Town Lot.

Eddie motioned to table Item 7. Marie seconded the Motion. Marie, Mary Beth, Eddie, and Laura approved the Motion. The Motion passed unanimously.

OLD BUSINESS

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

Eddie motioned to untable Item 8. Laura seconded the Motion. Marie, Mary Beth, Eddie, and Laura approved the Motion. The Motion passed unanimously.

Mary Beth reported that the Town Council had asked the PLUC to consider the Town's policy on mining. Russ, from the Bureau of Land Management office, sent a letter (presented at the June 2, 2010, PLUC Meeting) to the Town asking about its restrictions on mining. Dave would like to see Castle Valley's mining policy updated by the time the land swap takes place at the end of this year.

