

**MINUTES**  
**REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION**

Date: Wednesday, September 1, 2010

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

PLUC MEMBERS PRESENT: Laura Cameron, Mary Beth Fitzburgh, Eddie Morandi

PLUC MEMBERS ABSENT: Marie Hawkins, Lou Taggart

OTHERS PRESENT: Jazmine Duncan, Ann Fry, Bruce Keeler, Jayne May, Darren Mendlove, Bob O'Brien, Erik Secrist, Jeff Whitney

CALL TO ORDER 7:01 P.M.

1. Open Public Comment.

None.

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

Eddie motioned to untable Item 2. Laura seconded the Motion. Eddie, Laura, and Mary Beth approved the Motion. The Motion passed unanimously.

Laura motioned to suspend the order of business and move on to Items 3 and 4: Approval of Minutes. Eddie seconded the Motion. Eddie, Laura, and Mary Beth approved the Motion. The Motion passed unanimously.

Laura motioned to approve the Minutes with the correction. Eddie seconded the Motion. Eddie, Laura, and Mary Beth approved the Motion. The Motion passed unanimously. Discussion of Item 2 resumed after approval of Minutes. Community members present joined in a discussion with PLUC members to review the most recent draft of amendments to the Ordinance 85-3 that would limit the number of livestock which can be kept on five acres of land in Castle Valley. Mary Beth reported that this draft sets an upper limit of animal units, but also places a cap on the number of each category of animal based on size.

Initial comments from the community were that the structure of the current draft was good. Some concern was expressed that basing animal impact on animal size overlooked other factors; such as, gender, number, waste produced, etc. that contributes to the animal's impact (Jayne). An example was that male goats, because of their odor, might rate a higher animal unit designation than female goats. In contrast, this differentiation would not apply to cows or to wethered (castrated) goats.

In response to concern about fencing setbacks, Mary Beth clarified language in the draft that differentiates setbacks for pasture and corrals. The wording will be changed in the next draft to better define the differences. In response to a query about mitigation requirements, she reviewed the list under General Operating Requirements in Section 4.11 of the draft that outlines the management practices the Land Use Authority will be considering when issuing a

CUP for larger number of animals. The first paragraph under General Operating Requirements also states that the Land Use Authority has the option to limit the number of animals allowed on a lot to less than the maximum during the first year of operation.

The group discussed enforcement issues. Some felt the honor system was the primary tool of compliance. Others thought infractions were likely to occur. It was generally agreed that the Town's Nuisance Ordinance provided a procedure for lodging complaints. Either an individual or the Town can file a complaint. Commercial operations are inspected by state.

It was noted that an ordinance to limit the number of livestock has been on the PLUC agenda for several years. The PLUC decided to move forward on the issue after a more recent threat of a dairy cow farm that seemed too large an operation for the Castle Valley community.

Mary Beth referred to the general feeling from the last PLUC Meeting that keeping the numbers of animals at a lower level would minimize impact. Some concern was expressed that caps on each size of animal would limit the flexibility provided by animal units. PLUC members clarified that the caps prevent a lot owner from maxing out on one type of animal and that the conditional use permit process addresses mitigation needs for larger operations. In addition, Section 4.9 outlines management practices expected of all livestock owners, whether under permitted use or conditional use. Another reason for addressing animal limits is to ensure sustainability of the water quality in Castle Valley.

There was a feeling from many that management practices were as important, or more important than, numbers; but most of those present were still in favor of caps. (Of six community members who voted, four were in favor of caps, two were against. All PLUC members present were in favor of CAPs. Marie, who was absent, sent a letter stating her strong support of CAPs.) Actual numbers for caps and for animal unit designations were discussed. One suggestion was to not set a cap, but grant the PLUC the right to impose one in the conditional use process. There was another concern that good management practices might not pass on to a new owner of a commercial operation. In this case, it would be better to establish lower numbers. PLUC members were in favor of caps but felt that some of the numbers could be raised. Mary Beth will check with Mike Johnson, Utah Extension Agent, to find scientific support for deciding upon specific numbers. The next draft will organize the unit designations and caps in table form. PLUC members present agreed on the numbers and caps in the draft with one change being the cap of medium sized animals going from 30 to 50 for conditional uses.

Some final comments follow:

Jayne: should there be a limit on the number of commercial livestock operations allowed?

Erik: agriculture is a permitted use, which includes the sight, sounds, and smells of animals.

Bruce: agriculture is part of establishing a responsible, sustainable community.

Mary Beth: sustainable also means sustaining our aquifer.

Mary Beth will prepare a revised draft based upon input from this meeting. It will be placed on the Town website and a Public Hearing on the changes will be held at the October PLUC Meeting.

Eddie motioned to table Item 2. Laura seconded the Motion. Eddie, Laura, and Mary Beth

approved the Motion. The Motion passed unanimously.

#### APPROVAL OF MINUTES

##### 3. Regular Meeting June 2, 2010.

Eddie motioned to approve the Minutes. Laura seconded the Motion. Eddie, Laura, and Mary Beth approved the Motion. The Motion passed unanimously.

##### 4. Regular Meeting July 7, 2010.

A correction was made to note that Lou was absent from this Meeting.

Laura motioned to approve the Minutes with the correction. Eddie seconded the Motion. Eddie, Laura, and Mary Beth approved the Motion. The Motion passed unanimously.

##### 5. Regular Meeting August 4, 2010.

Eddie motioned to approve the Minutes. Laura seconded the Motion. Eddie, Laura, and Mary Beth approved the Motion. The Motion passed unanimously.

#### REPORTS

##### 6. Town Council Meeting – Chair.

Faylene reported that the Town's new e-mail procedure will begin this month. Town Council and PLUC members and staff will be assigned an e-mail address through the Town website. All e-mail will go through that channel where it can be archived and be available as public documents.

##### 7. Building Permit Agent.

Two building permits were issued. One Certificate of Land Use Compliance was received. One routine conditional use permit was approved. Jeff asked Faylene to forward Certificates of Land Use Compliance to the Grand County Assessors office when received. She will add this to the procedure for issuing these certifications. Jeff also reported that the County is moving to paperless building permits, which can be filled in on-line, then printed. He will make a copy available to us for our website.

#### NEW BUSINESS

##### 8. Discussion and Possible Action re: Conditional Use Permit for Lot #280.

Mary Beth reviewed the written responses that were sent in support of the Conditional Use Permit for Lot #280. Jayne May and Bob O'Brien were present and both expressed their support. Mary Beth reviewed the General Operating Requirements that would apply: no more than five cars per day, limited hours of operation, signage restrictions, visits by appointment only, no advertising of physical address. A farm stand is allowed, but visits to

buildings are restricted based upon the car visits per day. An occasional open house or educational visits are permitted.

Laura motioned to approve the Conditional Use Permit request with the exception that more than five cars per day would be allowed during occasional educational visits. Eddie seconded the Motion. Eddie, Laura, and Mary Beth approved the Motion. The Motion passed unanimously.

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

Members present discussed two policies for cancellation of a Meeting if the Chair is not able to attend. (1) the vice-chair makes the decision; and (2) all PLUC members participate in the decision. Any PLUC member could chair the Meeting, if necessary. Members present agreed that if the vice-chair does not want to chair a meeting, then any other member could chair and a meeting could be held as long a quorum is present (at least three members

Other procedural matters discussed were PLUC procedures for Public Hearings and making recommendations to the Town Council, Clerk procedures for ensuring that members who miss a Meeting receive the documents for that Meeting, new procedures for Town e-mail accounts, and clarification of language in Ordinance 85-3 that outlines how routine and non-routine CUPs are handled.

## OLD BUSINESS

10. Discussion and possible action re: amending 85-3 to require permanent structures intended for living purposes to meet the IBC definition for Dwelling Unit (tabled).

Eddie motioned to untable Item 10. Laura seconded the Motion. Eddie, Laura, and Mary Beth approved the Motion. The Motion passed unanimously.

Jeff Whitney had requested this change to Castle Valley's Land Use Ordinance to bring all permanent structures in Castle Valley in compliance with County and State law. The consensus of those present was to incorporate this change into the current draft of amendments to Ordinance 85-3.

Left untabled.

11. Discussion and possible action re: creating a municipal zone for the town lot (tabled).

Eddie motioned to untable Item 11. Laura seconded the Motion. Eddie, Laura, and Mary Beth approved the Motion. The Motion passed unanimously.

Mary Beth reported that PLUC will not hold a Public Hearing on September 8 on this issue because the Town cannot apply for the CIB grant until February. The needed changes will be added to the current draft of amendments to Ordinance 85-3. The current draft alters the definition of "Building" and "Public Building." The term "Municipal" replaces "Public" and refers only to buildings owned by the Town or the Fire District. Changes in Section 1.5 allow the square footage of buildings on the Town lot to exceed 7,000 S.F. The square footage limit

is increased to 9,500 S.F. which allows the Town 7,000 S.F. and the Fire District 2,500 S.F. (current firehouse). Members agreed to put these changes into the current draft of amendments to Ordinance 85-3.

Left untabled.

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

Laura motioned to untable Item 12. Eddie seconded the Motion. Eddie, Laura, and Mary Beth approved the Motion. The Motion passed unanimously.

Changes to this Ordinance that were discussed and approved in earlier Agenda Items during this Meeting will be incorporated in the next draft of Ordinance 85-3. Other changes that have been made in the current draft include correction of typos, standardization of language to conform with County and State law, suggested changes from Craig Call, reorganization and new titles, two deletions that were covered in other parts, adjustments to TAD requirements, and standardization of language regarding variances. In regard to notification of a decision, Faylene will contact Jennifer to ensure that decisions are forwarded to her so that they are included in the lot folders. Members agreed to include these changes in the next draft of Ordinance 85-3.

Eddie motioned to retable Item 12. Laura seconded the Motion. Eddie, Laura, and Mary Beth approved the Motion. The Motion passed unanimously.

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

Eddie motioned to untable Item 13. Laura seconded the Motion. Eddie, Laura, and Mary Beth approved the Motion. The Motion passed unanimously.

Mary Beth reported that the Town is pursuing memorandums of understanding and formal agreements with the various agencies that are associated with our watershed. Once those are complete, the PLUC can re-examine the Watershed Ordinance. Gerry Kinghorn has advised that we not change the Ordinance unless we have to.

Eddie motioned to retable Item 13. Laura seconded the Motion. Eddie, Laura, and Mary Beth approved the Motion. The Motion passed unanimously.

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

ADJOURNMENT 9:56 P.M.

**APPROVED:**

**ATTESTED:**

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