

MINUTES

PUBLIC HEARING
ON PROPOSED AMENDMENTS TO RESOLUTION 2013-1 (AMENDED JANUARY 17, 2018): A
RESOLUTION TO ADOPT A PERMIT APPLICATION AND FEE SCHEDULE
AND
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Date: Wednesday, July 11, 2018
Time: 6:30 PM
Place: #2 CV Drive, Castle Valley Community Center

Present: Ryan Anderson, Pamela Gibson, Marie Hawkins, Bill Rau, Colleen Thompson

Absent: None

Others Present: Merrill Brady, Jazmine Duncan, Laura Cameron, Tom Haraden, Jenny Haraden, Ed Derderian, Dave Erley, Russ Cooper, Tory Hill, Orion Rogers, Jonathan Dutrow, Deb Holling, Tricia Ogilvy, Jay Ogilvy, Bill Hedden, Jack Campbell, Mimi Trudeau, Bob O'Brien, Jocelyn Buck, Donna Kramer, Thomas Wood, Harry Holland, Debra Holland, Bruce Keeler, Jayne May, Kaaron Jorgen, Flora Najafi, Egmont Honer, Elizabeth Cate, Susan Roche

Clerk/Recorder: Faylene Roth

CALL TO ORDER PUBLIC HEARING

Rau called to order the Public Hearing regarding proposed amendments to Resolution 2013-1 (Amended January 17, 2018): a Resolution to Adopt a Permit Application and Fee Schedule at 6:30 P.M.

1. Open Public Comment.

Rau explained that these amendments were developed to bring the fee schedule up to date to cover Town expenses. There was no public comment.

2. Adjournment.

Thompson moved to adjourn the Meeting. Anderson seconded the Motion. Anderson, Gibson, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

CALL TO ORDER REGULAR MEETING

1. Open Public Comment.

Buck welcomed Gibson to the Planning and Land Use Commission (PLUC) and thanked Hawkins for reappointment to the PLUC. Rau and Hill agreed.

2. Approval of Minutes.

Regular Meeting of June 6, 2018.

Anderson move to approve the Minutes of June 6, 2018. Hawkins seconded the Motion. Anderson, Hawkins, Rau, and Thompson approved the Motion. Gibson abstained. The Motion passed with four in favor and one abstention.

3. Reports.


Correspondence – Roth reported no correspondence other than what is included with Item 5.

Town Council Meeting – Thompson.

Thompson reported that Pamela Gibson and Marie Hawkins were approved by the Town Council (TC) as PLUC Members. She also reported that the TC held a Public Hearing on proposed amendments to Ordinance 85-3 and heard comments from Campbell, Kramer, and Wood. She said that the TC tabled the Item to allow time for a legal review of the variance section and to allow more time for deliberation and comments. She said that the TC decided to cancel the old TAD contract on Lot 109 and issue a new decommissioning contract for the TAD and to have it registered with the deed at the [Grand County]Recorder's office.

Permit Agent – Interim Permit Agent - Roth

- Permit Activity.



Roth reported that two septic permits were issued and two solar permits—one for 1.74kW and one for 3.05 kW. She also reported a Certificate of Occupancy inspection and a Temporary Dwelling Permit renewal.

- **Updates on Recent Applications** – None.

Southeastern Utah Health Department – Orion Rogers

Orion Rogers, Environmental Health Director, and Jonathan Dutrow, Environmental Health Scientist, with Southeastern Utah Health Department (SEUHD), provided information regarding on-site waste water (septic) systems and discussed conflicts between State regulations and Town Ordinance regulations governing septic setbacks.

Rogers explained that SEUHD activities in Castle Valley relate to possible air sampling for air quality, hazmat assessments, and—primarily—permitting, design, plan review, and inspections for gray water systems and septic systems (under 5000 gal/day)—all of which is regulated by State Law and he and Dutrow are both certified to design systems. Rogers has the highest certification available.

Dutrow described the deep trench analysis used in designing drain fields to ensure an adequate layer of gravel for water storage, with three feet of soil below for aerobic microbial action to break down waste and allow adsorption of toxins to soil particles. An additional foot of soil is necessary for adsorption of viruses.

Both Dutrow and Rogers stated that soil digestion does not remove nitrates. According to their presentation, the average life of a septic system is 20-30 years which is why a replacement absorption field is required in their septic plans. Tank pumping, they said, is recommended every five years.

Rogers said that waste from a malfunctioning drain field would be adequately filtered before reaching the aquifer in most cases. He noted, however, that nitrate contamination could reach the aquifer. He referred to an early septic density study in Castle Valley that determined one septic per 15 acres in part of the valley. He referred to a Mater's project that studied how well the deep trench method being used in Castle Valley is handling filtration which showed no problems with the method unless higher density were to occur. He offered to provide a copy upon request.

Rogers also stated that animal urine and feces would not pose a threat to the aquifer if the pile were properly dried and composted using best management practices set by the [Utah] Department of Agriculture (DOA). He said the Health Department would respond to a nuisance complaint, but it is the DOA that governs these matters.


Regarding Town Ordinance regulation of septic systems, he said that CV regulations are stricter than State regulations. Under State Law, stricter regulations should go through the local board of health and be based upon a scientific reason. He said, according to State Law, all septic and well must be 100 feet apart and no closer than five (5) feet to the property line. It is their job, he said, to find the best situation for each property and to meet science-based State rules; but it is difficult on some lots to do so and meet the Town's 50-foot setback. He said he is willing to try to meet the setback regulation but would like some flexibility when needed in order to allow them to do their job.

Rogers confirmed that, whenever they sign off on a building permit, they are guaranteeing that a septic can be built on that lot. When asked about encroachment into a road easement where utility lines might be buried, he said they don't investigate that because the Town's Building Permit Agent is taking that into account. When asked about the effect of a five-foot setback on a neighbor's ability to locate a well, Rogers said the reverse would also be true for septic locations. He said he did not think that municipalities could regulate setbacks for wells either. In response to another question, he said that well drillers are responsible for knowing where nearby septic systems are located. He said they are required to check with SEUHD.

The difficulty of locating old septic systems and wells was discussed, and Rogers mentioned an interactive map called WaterLeak from the Division of Water Rights; plus, he said their records go back to 1950. Some members of the audience reported that the WaterLeak map was inaccurate.

Rogers reiterated that regulations more stringent than State Law ("repugnant to the law") must go through SEUHD and then the State for approval.

Rogers explained that the health department uses the State definition of dwelling. He said that any waste water system for alternative house—such as bus, yurt, RV, would be designed to a two bedroom standard which is the minimum size for a functioning septic system. No one, he said, can use a 55-gallon drum. According to Rogers, composting toilets are allowed, but a functioning septic system is required for black water (kitchen waste). Rau suggested that the Town coordinate with SEUHD on septic applications.



In response to another question, Rogers said he could not speak to whether a large livestock operation would present a danger of nitrate contamination of the water supply without further research and discussion with the DOA.

In response to a question about septic system failure, Rogers said in some cases a new system can be put in and the old one turned off. After several years, the old ones sometimes regenerate; and the system use can alternate between the two to extend the lives of both.

Rogers then explained how the SEUHD collaborates with Moab City and Grand County through community action teams to handle code violations. He also explained that having a secondary bathroom in a garage does not increase the number of people using the system (load on the system), whereas allowing a family of three or four to move into the garage does increase the load on the system which may be inadequate for the increased number of people.

Rogers confirmed that the Town Ordinance should replace references to "State Sanitarian" with the phrase "local health department."

Rau suggested setting up a meeting with SEUHD to resolve their conflict. Rogers said he will continue as we now do and contact us if something unusual comes up.

Procedural Matters:

Rau announced that the PLUC will hold a Special Meeting on Wednesday, August 8, 2018, to devote two full hours only to developing the upcoming General Plan survey. He asked the Mayor to invite TC Members and encouraged the public to attend as well.

NEW BUSINESS

4. Discussion and possible action re: Non-routine Decommissioning Compliance Contract for Previous Structure on Lot 109.

Roth worked with the Town Council (TC) to prepare the Decommissioning Contract document. Page 2 describes the removal of fixtures. Rau suggested removing all kitchen facilities. Thompson recommended including removal of the sink. O'Brien noted that the bathroom will remain. Hill said that it was her understanding that the standard decommissioning contract conditions would be applied meaning only the kitchen stove/range would be removed. She said that the TC did not agree to removal of the sink.

Roth informed the PLUC that she had received direction from the TC to prepare the standard decommissioning contract and not to apply the proposed amendments to Ordinance 85-3 regarding decommissioning of Temporary Accessory Dwellings. She requested that PLUC Members and TC Members discuss this misunderstanding between the TC Motion and the PLUC role in writing Decommissioning Contracts.

Rau asked whether the TC Motion overrides the PLUC's role. He said he was not comfortable with that.

Thompson said that there had been a lot of discussion at previous meetings regarding the proposed amendments to allow removal of kitchen stove, sink, 220 electrical outlets and gas lines as a requirement for decommissioning, and it seemed that everyone present was in agreement with doing so, although she doesn't recall what was finally voted on.

Duncan said, that since the new proposals have not yet been adopted, they need to go by current standards. Buck confirmed that there had been previous discussion of removing and walling off 220 and gas connections; but, when the vote was taken, the Motion stated using the current Decommissioning Contract with nothing extra added.

Rau stated that the options were to table the Item or to send it back to the TC for specific direction. Hill and Duncan reiterated their belief that the conditions should be the same that is required of anyone else. Rau said that the current contract allows for removal of other fixtures if the PLUC feels it is appropriate and stated that it was his feeling that it was critical for this particular situation to ask for the removal of additional fixtures. O'Brien agreed with Duncan that the PLUC should follow the same removal standards that have been applied to recent contracts.

The property owners, Darr and Gloria Hatch, were not present at the Meeting to contribute to the discussion.

Rau suggested that the Item be retabled and that the PLUC review recent Decommissioning Contracts. Anderson moved to retable Item 4. Thompson seconded the Motion. Anderson, Gibson, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.



5. Discussion and possible action re: recommendation to Town Council regarding request for commercial agriculture designation on Lots 54 and 55.

Rau invited attendees to address public comments to the PLUC—not to others or to the applicants—and to limit comments to three (3) minutes and to go outside the building to have side discussions with neighbors.

Rau began by reading excerpts from Ordinance 85-3, Section 1.1, which states:

- A. *To provide a land use zone where dwellings can be situated in association with a limited number of domestic livestock, under conditions which will tend to provide healthy and safe residences, stabilize gardening and the raising of domestic livestock for family food production and the pleasure of the residing families.*
- B. *To prevent the overcrowding of land and provide adequate light and air.*
- C. *To preserve the attractive and wholesome environment of Castle Valley and to support the Town of Castle Valley General Plan.*

And Section 4.8.1 which reads:

4.8.1 Purpose – The Town of Castle Valley recognizes the need or desire for some citizens to use their place of residence for limited nonresidential activities. However, the Town believes that the need to protect the integrity of its residential areas is of paramount concern...The purpose of the following subsections are to allow for limited, commercial-type activities to be conducted with dwellings and on lots as either a home or premises occupation. The intent of these subsections are to insure the compatibility of home and premises occupation with community values, to avoid depreciation of property values, to preserve the aesthetic value of the surrounding community and/or avoid affecting adjacent neighbors in an invasive way.


Rau invited the Hollings to make an initial statement. George Holling stated that the purpose of this application is to allow a six-foot fence around their current agricultural operation which, he said, is not expected to change. Holling suggested waiting until after public comments were heard to respond further.

Rau explained that there were two separate decisions to be made: first, a recommendation of the commercial agriculture designation; second, a recommendation for the exclusionary fence. He summarized some of the written comments that have been received: threat to water from animal waste, impact on health, odors, use of a feedlot, damage to property values, number of animals, amount of water usage, and possible damage to the aquifer, air quality, and property.

Bruce Keeler stated that he was Mayor in 2003 when the fence ordinance was written in conjunction with the Utah Division of Wildlife to ensure that critical mule deer habitat would be protected. The Division of Wildlife distinguishes between residential and commercial agriculture and identifies commercial agricultural as anything beyond one acre whether it is for private use or for selling. He noted that in Utah no permit is needed to grow crops to sell; it is allowed in Rural Agricultural Residential (RAR) zones. Using Division of Wildlife language, the fence ordinance allowed up to one acre of a lot to be fenced with exclusionary fencing. Fencing of a greater area requires a commercial agriculture designation. He said that no Town ordinance defines commercial agriculture and that no one has applied for a commercial agriculture designation for an exclusionary fence since the ordinance was written.

Jayne May asked that the PLUC table this application and any similar actions until the upcoming General Plan review has surveyed community members and the General Plan has been updated. She reported that Town sentiment had previously opposed drilling on Pace Hill and a proposed hog farm within the Town. She said she was concerned about more expansion of agriculture in the Town and did not think it was appropriate for the residential nature of the Town. May noted that she lives next door to commercial agriculture and is lucky that its owner has worked hard to negotiate resolutions to the problems (flies, odors, noise at weaning time, etc.) it creates but worries that others may not be willing to do so.

Tom Wood identified himself as a neighbor to Lot 54 who is directly impacted by the current agricultural use. He said he is anguished to protest what a neighbor wants to do on his/her property but needs to speak regarding the impact it creates. He said that a commercial agriculture designation has never been granted in Castle Valley and said there are no Town documents to describe what it means and how to do it. He said that large commercial operations are forbidden in Castle Valley and noted that, if this request were granted, it would conflict with Ordinance 85-3, Section 1.1. He said that the application states that Lot 54 is already operating as commercial agriculture which, according to him is not allowed, and that the same application for Lot 55 says that more animals will be placed on this lot which means that the applicants do plan to grow their operation. He said he doesn't understand the need for exclusionary fencing around the entire lot. He would like to see the Town target specific areas where exclusionary fencing may be required for crops and to distinguish between commercial agriculture for crops and for livestock.



Donna Kramer, Lot 52 Lazaris, agreed with the scope and intent of Ordinance 85-3, Section 1.1, read by Rau. She said she supports “living your dream” but not the impacts of a commercial cattle and hog operation. She said commercial agriculture is not a permitted use. She said she could not find any purpose or authority or regulation to allow designation of a lot for commercial use. Kramer added that the applicants have overestimated the sizes of their lots. She also said that, according to the Journal of Dairy Science, a single cow produces three and one-half gallons of urine per day and 65 pounds of manure a day. She said that the Hollings currently have seven (7) cow units on their lot as well as two breeding hogs which together produce 11 gallons of urine per day and 95 pounds of manure a day. She said that land within the Town cannot be zoned for commercial or industrial purposes and that the Ordinance prohibits a change in property valuation from residential to commercial. She said she objected to the negative impact and poor management of the current operation. Even though, she said, her well is 400 feet from the operation, she is concerned about the potential impacts on health and the enjoyment of her property.

Jack Campbell said he is immediately downstream and downwind of the current operation. He noted that in the past he has spoken in support of applications made by the Hollings for home businesses and has had pleasant contacts with George Holling. He noted past experience of a neighbor with four horses who successfully controlled the odor by daily spreading their manure over a field. This application is different, he said, because of its negative impact on neighbors. He said over the last several years the offensive odors have required him to get up in the middle of the night to close his windows and to hesitate to invite visitors to his house. He said he is being deprived of a basic property right and fears the band of impact will spread if the operation is enlarged.

Tory Hill said this is a deer crossing and a dangerous section of the road. She said the honeysuckle on the fence across the road already hampers visibility. Another exclusionary fence would increase danger to both deer and people on Castle Valley Drive.

Egmont Honer (153 Buchanan) asked what is the Town’s authority to regulate these commercial enterprises? Rau replied the basis is written in the General Plan which outlines the view of community members and Ordinance 85-3 plus the Nuisance Ordinance and the Watershed Ordinance. And, he said, the Fence Ordinance allows regulation of deer habitat. Honer said the language appears vague from what he has heard and allows these issues to come up over and over again. Rau responded that the PLUC does hear this message that the language needs to be updated. He said the next General Plan survey will help the Town to learn what property owners want for quality of life.


Dave Erley said he was uncertain about whether the lots had been merged and whether that affected how a home occupation would correlate with the lot. He said that the lot gets 19 acre feet of water from Castle Valley, which is the largest amount in the Town. He observed that the application with the Division of Water Rights is for about four times that amount. He said it seems too many lots are turning into dust bowls because owners cannot manage the lot. He sees this allocation as a huge footprint for one lot with the amount of waste it will put out. He said he is concerned about the scale, impact, and precedence in approving the request.

Bill Hedden, one of the Castle Valley ditch administrators, explained that DayStar Academy [Castle Valley Farms] has water rights for everything it can take from Castle Creek. The Castle Valley irrigation ditch has water rights from two large springs which are adjacent to lots 54 and 55. He has a letter from Paul van der Heijde saying that the ranch on the other side of the creek is likely depleting water in their springs, and he [Hedden] is concerned that the impact of a commercial agriculture operation on lots 54 and 55 would impact all neighbors dependent on the ditch.

Kaaron Jorgen reaffirmed what Hedden had to say.

Merrill Brady identified himself as a downstreamer from lots 54 and 55 and said he opposes any large commercial operation in the valley. He said it has always been residential. He added his concern about the effect of urine and waste on the springs.

Ed Derderian said he, too, is downstream from the proposed commercial agriculture site. He noted that it was not too long ago that the TC adopted an amendment to Ordinance 85-3 regarding large commercial operations to address water quality and quality of life concerns. He said this was in response to a commercial garage, but said it would have opened the door to spot zoning. Allowing commercial agriculture, he said, opens the door for spot zoning. The zoning may be RAR, but the emphasis, he said, is residential. He said the level of the small pond on his property, which is spring fed, has dropped two feet over the last few years. He is concerned that the danger of pumping from a large well for commercial agriculture could affect the entire valley.



Keeler added that the fence ordinance was designed with a commercial agriculture designation to allow planting of a cover crop without turning the lot into a feedlot for the deer. He gave the example of Mark Webster who put an exclusionary fence around five acres in order to plant the whole lot with grapes for a winery. He said, if the application is to use the entire acreage, then the fence ordinance would allow it; but it doesn't allow fencing the whole property just to plant crops in one part of the property.

Kramer added that the sizes of the lots were incorrectly given. She said, according to the [Grand County] Assessor's office, one lot is 4.6 acres and the other is 4 acres. This is important, she said, in calculating the animal units. She said the Hollings do not have a conditional use permit (CUP) for their current animal use. She said that the Hollings got a recent business license but not before doing this for six years. She said best management for the manure would be to put in a barrier. She asked the Hollings to "please mitigate" and remedy some of the current nuisances.

Erley added that the original water study for the period of 1980 to 2000 came up with 6700 to 6900 acre feet of water for the valley. He said that about 6900 acre feet of water rights are currently appropriated, so why would we approve another large right for withdrawal. When it was adjudicated in 2016, the number of acre feet was down 19 percent to about 5700 acre feet which goes back to Hedden's concern that a large withdrawal would affect availability of water for others. Erley said he understands that the Holling water rights are temporary and would expire in about 15 years. He asked what would happen then: would the applicant come to the Town for those water rights? He added that the State Regional Engineer is currently granting water rights outside the valley for only .458 acre feet. Erley also asked that the applicant explain how the proposed solar panels for the lot would go with the proposed number of animal on the lot. He objected to the unreasonable requests from the applicant which he says have cost the Town a lot of money.

Campbell added that Ordinance 85-3 allows up to 30 (50 with a CUP) 200-plus pound pigs on a lot. Based upon Orion Rogers's comments earlier about the impact of the number of people on a septic system, he wondered about the impact of larger numbers of animals.

May asked if the corporation owning the lots were an LLC. She expressed her concern about liability if the agreement were made with a corporation rather than with a private property owner. She cited her own experience with the Synergy Company which began in Castle Valley. She said that when the business grew beyond what Castle Valley could handle, they worked out an agreement to relocate in Spanish Valley. She added, that as wonderful as the goat operation next door to her is, there have been impacts—flies, odor—and the owners have worked to mitigate these with neighbors. She said the first year she could not open windows or turn on her swamp cooler because of the smell from three male goats. She said that the Town has been unable to regulate nonconforming neighbors, so she wondered how it could take on a livestock operation.


Wood added his concern over the last few months about the large manure pile on Lot 55 that smelled horrendous and was leaking across the road and into the creek. He said he did not know whether that is a zoning violation and did not see how the PLUC could recommend that the TC grant commercial status where there was a possible zoning violation. He requested that the Town table the application until it is determined. He agreed with Erley that the request for water rights in 2013 seemed to indicate plans for a large operation.

Brady asked to hear from the applicant about his plans.

Rau first answered May's earlier question, stating that the application shows that HF Holdings Inc. is the owner of the properties.

George Holling presented to the PLUC a letter from the Sloan Law Firm which returned his application and fee for a conditional use permit for Flintstone Farms because agriculture is a permitted use. He said they were not in violation of any Town Ordinance. That the Health Department visited his lot today and had no objection to the compost/manure handling. Holland handed a form to Rau about how to handle manure. His ultimate goal, he said, is to put a fence around the property to protect the crops they want to grow for animal feed from deer damage. He said this is not a question of water rights. He has, he said, sufficient water rights for what they want to do.

Deb Holling explained that Dexter cattle and American Guinea Hogs are some of the smallest breeds you can get. She said they don't get huge, they produce a lot less urine and manure than regular size breeds, and both are on the Livestock Conservancy Endangered List. She also said that they have fewer hogs than was stated earlier and said that their veterinarian has offered to write a letter of support for their animal care. She also said that Orion Rogers, the local Environmental Health Director, visited their place earlier in the day and saw no problem with what they were doing. In response to a concern about the noise at weaning time, she said their calves are raised with their moms until they are ready to be weaned and the moms are allowed to



do that. Holling responded to earlier comments related to the commercial label which raised concerns about bringing in lots of animals and animal units. She said their animal units are within the ordinance limits and that three of the animals are going to be butchered later this month. She explained the fencing is intended to enclose a nut grove, an orchard, a garden, hay, and grain areas.

According to George Holling, hay and grain will be grown on Lot 55, including the area between their proposed solar panels. He said they are currently putting in the irrigation and waiting for a pump to get the system going. Deb Holling said there was no reason to expect an increase in the number of animals because she is the only person who will be doing the work.

George Holling continued saying that their applications state they will abide, within reason, by all the ordinances that apply. Holling observed that wherever there is an animal or whenever a rooster crows in the early morning, it is because we live in a mixed zoning area that allows agriculture use. He said they want to be exemplary in how they handle this operation. He expressed their willingness to make improvements. He also noted that there were other exclusionary fences including the one across the street from him that has an eight foot fence surrounding nothing agricultural. (Erley added that one side uses a four-foot electric fence.)

Rau responded that the letter from Sloan submitted by Holling states specifically that a permit is not needed to grow crops; it doesn't reference livestock. Deb Holling explained that the request for the fence is to protect the crops from deer. George Holling says that livestock is referenced later in the letter.

Anderson requested clarification on the uses within the fenced area. Deb Holling said the fruit and nut orchard, garden, grape vines, hay and grain would be fenced. George Holling said they just wanted a small herd of small animals, and that selling even an egg makes it commercial. Deb Holling observed that their neighbor Bruce Keeler has goats and has sold some which is a commercial use. She said they have a legitimate farm operation and pay taxes accordingly. Anderson asked if the nuts were used in her chocolate business; she replied that they were, in addition to peaches from the orchard.

Merrill Brady said that the Fence Ordinance required a 50-foot setback from the road.

Ed Derderian said that deer don't eat grain.

Russ Cooper asked if the Ordinance prohibits storing manure on the property. He observed that the Ordinance allows a certain number of animals per acre and asked whether that required the animals to be spread over the lot or allowed the animals to be constrained in a small area like one-quarter acre. He also said the corral is supposed to be set back 70 feet from the road easement. George Holling said the 70-foot setback was enacted after their corral was in place.

Thompson asked if Holling's statement about being in compliance with animal units was counting both lots. Deb Holling said it referred to Lot 54 only. Thompson advocated for lower animal units.

Tory Hill said that deer jump over her six and one-half foot garden fence.

George Holling said the intent of their six-foot fence was to make it more difficult for the deer to come in and added they would have dogs inside the fence.


Campbell added that there continues to be misunderstandings regarding their intentions because their applications indicate they plan to double the number of animals with Lot 55. Campbell repeated a previous misunderstanding of his own that the PLUC is required to approve the maximum number of animals allowed and are not bound by the lower number given by the applicants.

Deb Holling explained that the hay on the lots would allow rotational grazing on Lot 55 of the animals they already have and added that their son would live on the lot in order to comply with the Ordinance regarding a caretaker on the lot. She said they have no intention of increasing the number of animals they currently have.

Thompson replied that a caretaker was not a requirement because Lot 55 is contiguous to their lot.

Pamela Gibson asked about the maximum number of animals on the lots. George Holling said they would provide that information.

Wood welcomed the commitment that the animals would be spread across the property. He noted that a lot of deer come through their orchard (across Lazaris) and said they graze at the five-foot layer and sleep in but don't appear to eat the orchard grass. He said they use caging to protect small trees. He also said the deer tend to move towards the Holling property and did not think deer could manage the deep ravine at the back of Lot 54 for passage. He asked for there to be a pathway for the deer and expressed concern about the "dead man's curve at the edge of Holling's lot.



George Holling confirmed that the application asked for a six-foot fence. He also explained their manure management was to spread it for four to six months then scrape it up and another two to three month before using. He also referred to heavy water use in other parts of the Town, including for lawns.

Brady observed that his lawn did not generate “a ton of manure.”

Wood reiterated that the manure smells “all the time,” at least until it dries up. He said he did not “mean to be aggressive;” but, he said, at 500 feet from the Holling lot—on his property—it smells. He acknowledged that the Hollings were doing this when he moved here, but said it did impact them and suggested the manure pile could be put elsewhere. He asked for more commitment from the applicants.

Hawkins said it seems that the corral on Lot 54 meets the definition of a feedlot given by Kramer which defined it as containment and feeding of animals for 45 days or more in a one-year period. Thompson said the corral also fits the Town Ordinance of a feedlot as a place too small for animals to graze naturally.

Deb Holling said that would make any corral that confined and fed a horse for a period of time would be a feedlot.

Rau said that the horses confined in the valley were not commercial and that their care did not meet the standards of a feedlot.

George Holling replied that feedlots are places where animals are raised for slaughter. Their operation, he said, is to raise breeding stock.

Rau said that was his understanding, and Hawkins added that Hollings animals were also fattened and slaughtered.

Hawkins asked for clarification of use for Hollings solar application, since it was brought up in an earlier comment. Holling replied that the plan reflected their calculation of the amount of power they needed to go off grid.

Keeler added that he was supportive of agriculture in the valley and asked whether there was a more clear-cut way to make an assessment about how the Hollings can fence their crops. He noted there has been due diligence in putting in irrigation to show their intent and asked for a way for the PLUC to make a realistic decision about whether full exclusionary fencing is realistic.

Roth asked for clarification of the current animal units on the lot. George Holling replied 5.4 Animal Units. He said in general six animal units are permitted per lot.

Tom Haraden commented that six animal unit could also mean six cows with calves.

Thompson said she still had questions about whether this may be a feedlot operation.

Rau acknowledged the volume of comments and thanked everyone, including the applicants, for their input. He said that the PLUC needs time to study the suggestions. In the meantime, he asked the applicants to provide additional information about their long-term plans for crops and grazing. He asked PLUC Members whether they wanted to table the item for further study or make a recommendation now.

Anderson referred to requests from Wood and May to put these concerns into the General Plan.

Anderson moved to table Item 5. Thompson seconded the Motion. Anderson, Gibson, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

6. Discussion and possible action re: recommendation to Town Council regarding request for installation of exclusionary fencing on Lots 54 and 55 for commercial agricultural purposes.


PLUC Members agreed to continue Item 6 until next month. Mayor Duncan said it would be helpful to submit specific questions to the applicants within one week.

Hawkins moved to table Item 5. Anderson seconded the Motion. Anderson, Gibson, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

7. Discussion and possible action re: prioritizing adoption of amendments to Ordinance 85-3 recommended to the Town Council on May 2, 2018.

Roth suggested separating the proposed amendments to Ordinance 85-3 into the following three sections:

- Chapter 3: Land Use and Appeal Authorities, Chapter 5: Building and Lot Requirements, and Chapter 6: Noncomplying Buildings and Nonconforming Uses;
- Chapter 4: Permitted and Conditional Uses;
- Chapter 7: Variances and Appeals and Chapter 9: Enforcement, Fees, Penalties and Fines.



Thompson and Roth both suggested that Chapter 7 and 9 had the highest priority. Mayor Duncan said her preference was to delay the TAD decision until after the General Plan. Rau cited the amount of work that went into the proposed amendments for 85-3 and asked the TC to apply its best efforts to consider them.

Roth will email a detailed list of the three divisions to TC Members for their next Meeting. Rau will consult with Mary Beth Fitzburgh about any sections that should receive legal review.

UNFINISHED BUSINESS

8. Discussion and possible action re: amendments to Ordinance 95-6: An Ordinance regarding the Building Permit and Other Land Use Permit Processes to align it with proposed amendments proposed to Ordinance 85-3 (tabled).
9. Discussion and possible action re: revisions to Resolution 2013-1: A Resolution to Adopt a Permit Application and Fee Schedule (tabled).
10. Discussion re: topics, themes, and process for the General Plan Survey (tabled).
11. Discussion re: storage of fuels and hazardous materials within the Town (tabled).
12. Discussion re: future amendments to Ordinance 85-3 (tabled).
13. Closed Meeting (if needed).

ADJOURNMENT

Thompson move to adjourn the Meeting. Gibson seconded the Motion. Anderson, Gibson, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.
Rau adjourned the Meeting at 9:38 P.M.

APPROVED:

ATTESTED:

Colleen Thompson, Co-Chair

Date

Faylene Roth, PLUC Clerk

Date

APPROVED