



MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION
TOWN OF CASTLE VALLEY

Date: Wednesday, April 3, 2019
Time: 6:30 PM
Place: #2 CV Drive, Castle Valley Community Center

Present: Ryan Anderson, Pamela Gibson, Marie Hawkins, Colleen Thompson
Absent: Bill Rau
Others Present: Jazmine Duncan, George Holling, Andrea Marin, Ali Matz, Jason Matz, Tom Wood
Clerk/Recorder: Jocelyn Buck

CALL TO ORDER REGULAR MEETING

Anderson called the April 3, 2019, Regular Meeting of the Planning and Land Use Commission to order at 6:32 P.M.

1. Open Public Comment – None.
2. Approval of Minutes.

Regular Meeting of March 6, 2019.

Gibson moved to approve the Minutes as presented. Hawkins seconded the Motion. Anderson, Gibson, Hawkins, and Thompson approved the Motion. The Motion passed unanimously.

3. Reports.

Correspondence – None.

Town Council Meeting – Thompson.

Thompson reported that Evan Tyrell, new manager of the Grand County Solid Waste Management Special Service District attended the March 20, 2019, Town Council (TC) Meeting. According to Thompson, he reported that there will be a hazardous waste recycling event on May 4 at the transfer station and that they are considering offering monthly recycling collection in Castle Valley.

Thompson added that Town Clerk Jocelyn Buck informed the TC that Frontier had promised to fix phone and internet outages by the following week (she noted, however, that outages were still occurring) and that class lawsuits have been discussed and that Frontier has promised to make billing adjustments. Mayor Duncan informed the PLUC that some residents have already received adjustments but said that all Frontier customers would get billing credit.

Thompson added that the TC announced an upcoming Open House sponsored by Emery Telecom concerning their planned fiber optic installation project. (According to Thompson, the Meeting has since happened and was very informative.)

Thompson also reported that the TC voted to start action toward vacating the cul-de-sac easement on upper Bailey which would land lock Lot 66. It was reported at the Meeting, she said, that the new owner of Lot 66 had hired a private contractor to work on the road easement. Mayor Duncan added that the Town's attorney will help work through the process for the property owner to gain access to the lot through neighboring property as allowed by law.

Permit Agent – Building Permit Agent - Thompson

- Permit Activity – Thompson reported that building permits were issued for a manufactured home on Pace Lane and a residence on Pope Lane as well as two solar permits for Lots 54 and 55.
- Updates on Recent Applications - completing a building permit for Lot 50.

Procedural Matters.

- General Plan Survey Review.

Thompson reported she and Roth had worked on estimating the cost of the survey mailing, as described in the summary provided by Roth. She said they felt confident they could keep the mailing expense under one-ounce for each envelope, including a self-addressed stamped return envelope. The weight, she said, was determined with use of 20 lb. colored copy paper and would not include a separate cover letter. She said that the colored paper would make apparent any photocopying of the survey and suggested expansion of the introductory paragraph to replace the cover letter.

Gibson inquired about reinsertion of the question E2 regarding reconsideration of commercial activity in the Town. Mayor Duncan replied that it was suggested by members of the public at the TC Meeting. PLUC Members agreed to retain this question and then discussed TC Member Harry Holland's comments regarding question D1. They agreed to add a phrase (shown in italics) to the end of the first sentence, which would make the sentence read, "Enforcement of Town ordinances is primarily handled through the Formal Complaint Process, *initiated by neighbor complaints*. Do you favor the Town investigating other means to enforce ordinances?"

PLUC Members gave four thumbs up to an informal poll of preparing the survey for printing and mailing as presented with the corrections and modifications agreed to at this Meeting plus minor editing of typographical and grammatical errors and final formatting to be done by Thompson and Roth.

Town Clerk Buck asked for confirmation of attendance at the May 1-3, 2019, Planning Conference to be held in Price, Utah. Thompson definitely plans to attend and Anderson is likely to attend. Mayor Duncan encouraged PLUC Members to attend the conference. Buck will register three attendees at the group rate.

NEW BUSINESS

4. Discussion and possible action re: recommendation to Town Council for granting a Certificate of Land Use Compliance for repairing a noncomplying structure on Lot 387.

Gibson moved to recommend that the Town Council grant a Certificate of Land Use Compliance for repair of a noncomplying structure on Lot 387. Thompson seconded the Motion. Anderson, Gibson, Hawkins, and Thompson approved the Motion. The Motion passed unanimously.

UNFINISHED BUSINESS

5. Discussion and possible action re: amendments to Ordinance 85-3 Sections 4.9, 4.9.1, 4.9.2, and 4.10.1 – Left tabled.
6. Discussion and possible action re: recommendation to Town Council regarding nonpermanent conditional use permit applications for livestock exceeding the permitted animal units for Lots 54, 55, and 429 (tabled).

Thompson moved to untable Item 6. Gibson seconded the Motion. Anderson, Gibson, Hawkins, and Thompson approved the Motion. The Motion passed unanimously.

PLUC Member reviewed the proposed conditions one by one as follows:

- 1) *At no time will a maximum total of 18 animal units over the three lots (54, 55, 429) be exceeded.*

PLUC Members and George Holling agreed to this condition. Andrea Martin suggested that the CUP request to allow up to nine (9) animal units (A.U.) on a single lot at one time be reduced to 7.5 A.U. Thompson explained that State law does not allow the Town to deny a CUP request. The Town can only impose conditions to ameliorate the impact. Holling agreed that 9 A.U. on a single lot would be crowded if for an extended period of time. He said he was willing to discuss these restrictions. Tom Wood expressed concern about the effect from the concentration of more than six animals on a single lot. Thompson stated that the Ordinance was developed for single lots and discussed the challenge of creating conditions that deal with multiple adjacent lots. She suggested it might be easier to enforce if Lots 54 and 55 were treated as a single lot in which the animals could move about as needed. However, she said, this might violate the language of the Ordinance and could not be considered without legal review. She also observed that a CUP on Lot 54 could result in fewer than 6 A.U. allowed. Holling agreed that no more than 6 A.U. could be kept in the noncomplying pen on Lot 54 but there was no agreement on how many total animal units Lot 54 could hold. Holling stressed the need for flexibility in moving animals around, such as for breeding or gathering animals into a small space for feeding during severe snowstorms. Wood added a request that the pen and barn be moved to Lot 55 where a 70-foot setback could be established.

- 2) *Move existing staging manure pile to an area of the property where potential run-off into Town roads, natural drainages, and/or neighboring properties can be mitigated.*

Holling said "No problem" to this condition. Thompson said that at the last meeting Holling proposed a 200-foot setback for staging or composting piles from the road easement and would like to include that as a condition and to include a 70-foot setback from contiguous lot lines. Holling proposed a 50-foot setback as required for septic tanks. Gibson suggested a 70-foot setback as required for pens and barns because odors are involved. Anderson asked Holling whether the setback would allow him to move the staging and composting piles to higher ground. Holling said yes and agreed to the 200-foot setback from road easements and the 70-foot setback from contiguous lots as long as there was no

setback requirement between Lots 54 and 55. PLUC Members agreed. In response to a question from Thompson regarding the pigs and the 70-foot setback required for pig pens, Holling said they have had the pigs for several years and said that the pen was already there which grandfathered it. Comment: Does this represent what was said? Wood agreed that the proposed setbacks would improve the situation. Holling asked to clarify the process for cleaning the pens, noting that cleaning will produce a temporary manure pile which he would move within a few days. Wood agreed that would be a permissible procedure. [*Distinction between staging and composting piles is made later in discussion of Condition #5.*]

Anderson asked about the effect of recent rains. Holling said the rains were short and created no problems. Wood countered that natural drainage on Lot 55 was overflowing a few weeks ago after the rains. He still thinks it is a potential problem because the manure is currently piled right in the drainage. Holling replied that he plans to move it. PLUC Members agreed to add a 200-foot setback from any road easement and a 50-foot setback from neighbors' property lines for composting piles and to add that staging piles will be placed as far from the road easement as feasible.

- 3) *Place a 12" berm around three sides of the re-located staging manure pile and maintain it to mitigate breaches that would result in run-off.*

PLUC Members and Holling agreed that "staging" should be eliminated from Item 3 and Item 4. [*Agree to delete this in later discussion of Condition #5.*]

- 4) *Plant trees around the re-located staging manure pile to mitigate spread of odors.*

All agreed to delete "staging." In discussion, Holling said that the manure will be regularly spread so he doubts that a pile of manure will seldom be seen. Thompson then proposed changing the condition to read, "Where possible plant a combination of trees and shrubs as suggested by Dr. Miller along the fence lines to direct odors upward." Thompson suggested doing this along the perimeter of the property since there is not room around the corral in addition to around the manure piles which had already been agreed to. Holling said he has discussed trees along the fence line with one of his neighbors where the trees might impede the view. Thompson suggested planting shrubs where this might be a problem. Holling thought a combination of trees and shrubs could also be worked out along Lazaris Lane along Jack Campbell's lot. Martin asked for a block between Lot 53 and 54. Holling suggested working something out with her. Holling said trees are also planned on north side of the orchard. It was agreed to include this plan as a condition.

- 5) *Any new staging manure pile that is created on any of the three lots must be contained within a three-sided 12" berm that is maintained to mitigate run-off and trees planted around it to mitigate odors.*

Thompson noted that the word "staging" poses a problem here, as well. Holling said this condition duplicates Item 3. Gibson asked Holling for distinction between staging manure pile and composting manure pile. Holling explained that a composting manure pile persists for several months and the staging manure pile is temporary. It is formed, he said, when the pens are cleaned out: the manure is shoveled into a pile and then removed within a few weeks to a composting manure pile or spread onto a field. Gibson clarified that the staging manure piles are temporary and would not require berms. She asked Holling if he planned to have composting manure piles. He said their plan is to spread the manure directly; but, if they did have any composting manure piles, they would berm them and plant trees. Holling confirmed that past complaints were about composting manure piles. PLUC Members agreed that Condition #5 references composting manure piles. Wood confirmed that the composting manure piles need to be bermed to protect them from runoff. He said he understood that the duration of the staging piles will be two to three weeks. Holling object to a fixed time period for removal of the staging pile because of the unpredictability of weather and other life situations. All agreed on defining temporary staging at four weeks. All agreed to clarify language for staging and composting manure piles. All agreed that Conditions 2 through 5 referred to composting manure piles and agreed that Condition #3 can be deleted because it duplicates #5. Definitions for staging and composting manure piles will be provided. *Any manure that cannot be contained with the manure berm needs to be either tilled into the land or removed from the property. At no time can the staging manure pile be higher than three (3) feet before manure is removed.*

- 6) *Any manure that cannot be contained with the manure berm needs to be either tilled into the land or removed from the property. At no time can the staging manure pile be higher than three (3) feet before manure is removed.*

Thompson said the first sentence is covered in Condition #5 and can be deleted here. She said the second sentence should be changed to read "composting manure pile." Holling requested the composting manure pile be allowed up to six (6) feet because turning the pile increases the volume. Thompson confirmed the composting manure pile must be at least 200 feet from the road easement. Anderson said he has seen subsurface composting manure piles with concrete berms on three sides

in use at some ranches. Holling countered that would promote nitrate absorption into the ground rather than into surrounding plant roots. According to Holling, Professor Miller suggested that they not compost the manure. His preference is to spread it directly over the fields. He did say they might maintain a small composting manure pile for garden use. Gibson asked for clarification about how these conditions apply to staging manure piles and composting manure piles. All agreed that staging manure piles will be put as far away from the road easements as practical and at no time will they be higher than six (6) feet and they will be removed within 30 days. Holling agreed that composting manure piles will be 200 feet from road easements and 70 feet from common property lines and be no more than six (6) feet in height and be bermed on three sides; although, he preferred a berm to prevent unwanted runoff with equipment access to the composting manure pile from two sides.

- 7) *Continue to treat manure and other sources of flies, mosquitoes, and other vectors to mitigate their spread to neighboring properties and to mitigate the potential for spread of disease that will impact the public health.*

All agreed that the condition would state that the Hollings will continue to use bio-control predators for fly control. Holling said every three to four weeks, the bio-control treatment is spread over the ground in the pens. It is not, he said, used on the staging piles. Holling added that the bio-control treatment will also be applied over the fields when the manure is spread.

- 8) *Mitigate potential run-off from the property onto public streets and/or drainages that connect to water sources [reword]. To mitigate potential run-off place a berm at least 18" high in areas where run-off is most likely (e.g., Lazaris Lane side) of lots 54 and 55 and at low-lying areas of lot 429 that are contiguous with public roadways or neighboring properties.*

Thompson suggested that a solution needs to be determined for construction of a berm along the corral fence on Lazaris. Suggestions included moving dirt from the road easement up to the fence as well as digging out the dirt in the corral to lower it and create a berm, although Holling noted it could not be dug out the full 18 inches. A better solution for the property seemed to be to require a drainage review from the Roads Manager and then to develop a plan with the objective of mitigating potential run-off from snow and water accumulation from the property to public streets.

- 9) *No more than 6 animals can be confined in the non-complying corral at any one time.*

All agreed to change the above to 6 animal units. Thompson any corral long-term. Holling said that it may be necessary to retain a bull there or it is likely that the cows being milked will stay there because they need to be separated from the other cows. Thompson withdrew her suggestion.

- 10) *Shade shelters must be available for livestock on each pasture that is created.*

Holling agreed.

- 11) *Provide the Town a management plan for swine that covers feeding and housing plans for all seasons. The plan will include steps to be taken for parasite control program as part of a whole-herd health program of swine.*

Holling would consult with Deb Holling regarding this request. He said they currently use bio-fly control. Hawkins asked about control of the trichinosis spirochete. Holling said the swine are screened before slaughter and are also screened by the breeders before they buy them. Thompson asked Holling about use of Lot 429 for breeder pigs. Holling said they have discussed a second sow that might be kept on Lot 429. Thompson suggested a condition that would never allow more than six (6) animal units on Lot 429 which would cover Hollings concerns about any future grandfathering needs in case the ordinance regarding number of livestock were to change. Holling said he was not sure at this point how potential flood irrigation plans might affect Lot 429. Thompson suggested this restriction as a trade-off for the CUP requests on Lots 54 and 55. The proposed condition, she said, would be to restrict the potential animal units on Lot 429 to six (6) animal units as a trade-off to allowing up to nine (9) animal units at a time on Lots 54 or 55 (without exceeding a total of 18 animal units total on the three lots) and to provide more space for the pigs on Lot 429—possibly up to one acre—in order to reduce the concentration of animals into a small pen. She said that Ordinance 85-3, Section 4.10, F and H, requires additional space for animals in excess of the permitted number. She suggested this restriction would mitigate the effect of smell from a densely populated pig pen in Castle Valley's "downtown" area. She noted that the current ordinance would allow up to 30 pigs over six months of age or up to 50 pounds. Holling replied that Lot 429 was never intended for intensive animal use especially if flood irrigation were used. That many pigs in a small pen, she said, would be a problem. Holling replied that they would likely not ever have more than 10 young pigs. He said they were considering the use of movable electric pens that would allow the animals to be moved over the property to shift their impact and allow them to be put up at night.

Gibson summarized the proposed plan: Holling will talk with Deb about restricting Lot 429 to a total of six (6) animal units with a larger space for animal containment (maybe one acre for 10 pens) in exchange for the CUP on Lots 54 and 55 to allow three (3) of the permitted animal units to be moved to either lot for a given period of time. Gibson confirmed that the existing fenced area on Lot 429 will not be used for a pen because it is too close to the road. It does not meet the 70-foot setback from the road easement and the 100-foot setback from any neighboring house. Holling said the movable fence provided some flexibility for them.

- 12) *The applicant will assure that a plan is in place to mitigate any dust that occurs on the properties and that impacts neighboring properties.*

Holling said their intent is to have as much green area as possible. He said it is possible to keep the dirt areas moist but that too much moisture creates health issues for the animals. Thompson brought up the need to extend the conditions for manure piles to Lot 429. Holling said there might be times when they would bring the cows to Lot 429 to feed for a few days, so he agreed the conditions for Lots 54 and 55 would work on Lot 429. Anderson asked Holling about his willingness to change his plans if dust could not be adequately controlled. Holling said they are prepared to adapt their plans if they don't work as expected but said he thinks his current plan is manageable. Buck observed that there is more dust caused by traffic and delivery trucks in Castle Valley than from all the animals currently in the Valley. Anderson countered that some lots have turned into dust bowls. Thompson suggested adding wording that extra animal units would not be allowed until viable pasture was established. She noted that the current Ordinance allows for delay of granting extra animal units for up to a year in order to ensure that conditions can be met. Holling said he would not have a problem with that as long as it didn't create a problem for the steers they now have that will soon turn two years in age. He added that it is difficult to ensure 100% of feed can be grown every year. Thompson replied that her intent was for pasture that would serve as dust control and nitrate absorption. Wood expressed his support for this. Buck expressed her concern about excessive water use that might impact neighboring wells. Martin agreed. Thompson observed that the State water department did not seem concerned about depression of the water table but noted that Holling had previously said he would revise his operation if neighboring wells were affected. Holling said he is running his sprinklers at night because it is more efficient. He observed that the State has told him this valley used to be one of the greatest growing areas in the State. Holling said he has removed a lot of "junk" trees from his lot that suck water and thinks it will save him more water than he will ever use for irrigation. Wood commented that if neighboring water levels do go down, it would be a very serious and litigious matter. Holling observed that there are plenty of shallow wells in Castle Valley and plenty of people who use water they have no right to use. Hawkins suggested that Holling consider rainwater collection. Anderson suggested that Wood consult with John Groo [Castle Valley Water Agent] regarding his concerns.

- 13) *Remain conscious of the Town's General Plan and specific ordinances to mitigate nuisances, noise, and the enjoyment of their properties by neighbors.*

All agreed this was not necessary as a condition.

Hawkins moved to retable Item 6. Thompson seconded the Motion.

In Discussion Gibson summarized the PLUC's intention to rewrite the conditions with final language for recommendation to the Town Council and to review the proposed conditions at its May Meeting. Holling suggested providing a draft for him to review before the Meeting. Wood proposed an additional condition that any new animal pens on Lot 55 be restricted to higher ground. He said he had emailed this proposed condition to the PLUC Members earlier. Anderson said that the condition will be included in the final draft.

Anderson, Gibson, Hawkins, and Thompson approved the Motion. The Motion passed unanimously.

7. Discussion and possible action re: proposed amendments to Ordinance 2003-3 – Left tabled.
8. Closed Meeting – None.

ADJOURNMENT

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

Anderson adjourned the Meeting at 8:56 P.M.

APPROVED:

ATTESTED:

Bill Rau, Chairperson

Date

Faylene Roth, PLUC Clerk

Date

APPROVED