



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

Date: Wednesday, September 4, 2019
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: Julie Baird, Laura Cameron, Jack Campbell, Jazmine Duncan, Donna Kramer, Laurie Simonson,
Tom Wood

Clerk/Recorder: Faylene Roth

CALL TO ORDER REGULAR MEETING

Rau called the Regular Meeting of the Planning and Land Use Commission of September 4, 2019, to Order at 6:30 P.M.

1. Open Public Comment.

Laurie Simonson, 1 Castle Valley Drive, inquired about the “Men Working” sign behind her property and whether there was work planned on her property line. Mayor Duncan will consult with the Roads crew.

2. Approval of Minutes.

Regular Meeting of August 7, 2019.

Anderson moved to approve the Minutes of August 7, 2019, as presented. Thompson seconded the Motion. Anderson, Gibson, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

3. Reports.

Correspondence – None.

Town Council (TC) Meeting - Thompson reported that most of the TC Meeting focused on revision of the Town hunting ordinance. She added that the applications for conditional use permits for livestock exceeding the permitted animal units on Lots 54, 55, and 429 had been withdrawn by the applicant so no action was taken. The TC then, according to Thompson, instructed the Town Clerk to schedule a Special Meeting as soon as possible for discussion and action on a six-month moratorium on nonroutine conditional use permits for livestock exceeding one and one-half animal units per acre. Thompson reported that the Special Meeting was held August 23, 2019, and an Ordinance 2019-1 was passed to enact a temporary land use regulation (moratorium) on Section 4.10 of Ordinance 85.3 The TC then directed the PLUC to begin reviewing the necessary amendments to Ordinance 85-3.

Permit Agent – Building Permit Agent

- **Permit Activity** – Thompson reported that two solar permits, an electrical permit, and a Certificate of Occupancy (CO) were approved. She confirmed that the Temporary Dwelling on the CO property has been decommissioned and is awaiting removal from the property.
- **Updates on Recent Applications** – Thompson reported she is currently working on a building application for a garage on upper Rim Shadow.

Procedural Matters.

- **General Plan Survey Update** – Rau reported that the quantitative analyses from the survey, the comments from the qualitative questions, and a list of unsolicited comments on the quantitative questions have been completed and sent to PLUC Members. Hawkins and Roth said they had not received copies of the quantitative analyses. According to Rau, a public meeting will be held to discuss survey results—possibly, he said, within the next month.

PLUC Members reviewed the list of unsolicited comments to quantitative questions and made the following observations:

-B7 regarding a ban of synthetic herbicides and pesticides – 58% supported a ban; 35% opposed a ban. Several comments noted that small amounts of pesticides can be safely used and that enforcement would be difficult. Several comments noted that a list of chemicals to avoid, such as neonicotinoids and glyphosate would be a better approach.

- E2 regarding commercial activity – 68% said no to allowing commercial activity inside Town boundary. An exception for a coffee shop was suggested, but one PLUC Members noted it is not even a practical idea because there could be no profit to the proprietor.

- E6 regarding a nonprofit to seek grants for the Town – One suggestion was to follow up on the Town’s potential status as a NORC (naturally occurring retirement community). Median age of respondents to the survey is 62.

- D4 regarding strengthening Lighting Ordinance – 76% favored.

- D5 regarding application as a Dark Sky Community – 75% favored.

- H1 regarding satisfaction with road conditions – 70% satisfied or very satisfied. There seems to be some misunderstanding about how the last tax increase for roads was to be used.

One PLUC Member requested a breakout for permanent vs. nonpermanent residents.

Rau asked PLUC Members to review the quantitative results before the next PLUC Meeting and (1) to determine which should be as graphics in the final General Plan Report and (2) to determine which responses would benefit from sorting (e.g., opinions on livestock and taxes) into categories such as permanent versus nonpermanent residents and (3) to highlight useful comments in the unsolicited list. Qualitative comments will be reviewed later.

Roth will print out quantitative results for the next PLUC Meeting.

- **Other** –PLUC Members agreed to ask the Town Clerk to post the opening for a PLUC position beginning January 1, 2020, once the sign-up period for write-in candidates has passed.

NEW BUSINESS

4. Discussion and possible action re: amendment to Ordinance 85.3 to eliminate Section 4.10 regarding conditional use permits for additional livestock on lots.

Rau reported that the TC has directed the PLUC to address this issue. The moratorium allows six months to complete the process. According to Rau, the Town Council’s rationale for eliminating this section is based on the 2014 General Plan which emphasized maintaining the quality of the Valley’s aquifer as the highest priority of the community—and it continues to be so. In addition, it was noted that the PLUC is currently working on an update to the General Plan and is looking at community interest in limiting the allowed number of livestock.

Thompson reported finding one reference to conditional use permits for livestock in Section 4.9 (paragraph 2, sentence 4) which states that livestock not allowed as a permitted use may be requested through a conditional use permit. She suggested deleting this reference in addition to deleting Section 4.10. She added that the number of animals allowed in the current ordinance is not appropriate for the desert environment. She quoted the following paragraph from Section 4.8 to support the Town’s action on this item:

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 within 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 occupations 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....

Hawkins added that preservation of the aquifer is paramount. Rau noted that 85% of property owners get their water from a well.

PLUC Members discussed whether there were any downsides to eliminating the livestock CUP and generally agreed that the difficulties in mitigating the impacts involved in the recent CUP applications and State laws that do not allow denial of a CUP application shift the balance towards elimination of the livestock CUP altogether. Rau noted that about 82-85% of survey respondents favored eliminating livestock CUPs. He added that sentiment at the recent Special Meeting of the Town Council was positive toward eliminating the CUP.



Gibson pointed out that sentence 4, paragraph 2 actually refers to the chart in Section 4.9 that lists the specific types of livestock that are permitted and does not refer to additional numbers of animal units in Section 4.10. After discussion, in addition to eliminating Section 4.10, PLUC Members agreed to delete the sentence in Section 4.9 allowing CUPs for specific types of livestock not listed in the Ordinance and to consider addressing the issue when further amendments are made to permitted numbers of livestock at a later time.

Tom Wood asked the PLUC to transfer the language regarding best management practices in Section 4.10 to Section 4.9. Thompson replied that the PLUC had begun discussion of transferring this language but found that the language regarding conditional use permits in Section 4.10 did not easily transfer to permitted numbers of livestock. PLUC Members agreed that discussion should be deferred since there is a timeline for this current change.

PLUC Members asked Roth to prepare a draft of the changes in Sections 4.9 and 4.10 and to schedule and post a Public Hearing for the October 2, 2019, PLUC Meeting.

Thompson moved to table Item 4. Anderson seconded the Motion. Anderson, Gibson, Hawkins, Rau, and Thompson approved the Motion. The Motion passed unanimously.

UNFINISHED BUSINESS – None.

5. Closed Meeting – None.

ADJOURNMENT

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

Rau adjourned the Meeting at 7:27 P.M.

APPROVED:

ATTESTED:

Bill Rau, Chairperson

Date

Faylene Roth, PLUC Clerk

Date

APPROVED