

MINUTES
PUBLIC HEARING ON PROPOSED AMENDMENTS TO ORDINANCE 2006-3: A
RESOLUTION ESTABLISHING THE PLANNING AND LAND USE COMMISSION AND
DESIGNATING LAND USE AND APPEAL AUTHORITIES
and
REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION

Date: Wednesday, October 7, 2009

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Lou Taggart, Marie Hawkins, Mary Beth Fitzburgh, Dave Erley, Greg Halliday

Others Present: None

PUBLIC HEARING

1. Call to Order: 7:05 P.M.
2. Public Hearing on proposed amendments to Ordinance 2006-3: A Resolution Establishing the Planning and Land Use Commission and Designating Land Use and Appeal Authorities.

Mary Beth reported that she had sent a draft of the proposed amendments to Ordinance 2006-3 to Jennifer Mengel and Rob Soldat and asked for feedback from them. Rob responded saying that the changes looked in order to him. She had not received a response from Jennifer. Mary Beth stated her concern that BOA members be involved in evaluating the proposed amendments because they do create significant changes in how the BOA functions. She explained to Rob that the revised ordinance is based on ordinances from the Utah League of Cities and Towns and contains what is required by state law.

3. Adjournment of Public Hearing: 7:07 P.M.

REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION

CALL TO ORDER: 7:07 P.M.

1. Open Public Comment.

Mary Beth reported that she is attending a land use training Thursday, October 8, 2009. She requested input and questions from committee members to take to the training. Lou expressed interest in attending the training and will find out if space is available.

According to Mary Beth, the training on open public meetings scheduled for next Wednesday, October 14, 2009, is an annual requirement for Town Council members and PLUC members. The meeting is scheduled 5:30-8:30 P.M. at the Grand Center.

Dave commented on his visit to Westwater Farms at which he heard from Mark Wright, Grand

County Engineer, that county staff is negotiating with Rocky Mountain Power to upgrade our power line so that Cisco and Westwater could be zoned for heavy industrial use. Westwater Farms is at the end of the service line. They had requested 100KW from RMP for their operation, but received only 5KW. Dave felt that it was important for the Town of Castle Valley to ensure that Grand County has taken care of the power needs before any zoning changes are made. Mary Beth added that protection of the Castle Valley watershed also should be considered. There was concern expressed that fracking from the Westwater Farms operation might affect our watershed. Dave considered the problems that could result from the treatment of wastewater at WF to be an extension of general Utah policy towards accepting waste products—uranium waste included—from out of state.

APPROVAL OF MINUTES

2. Regular meeting of September 2, 2009.

Dave motioned to approve the Minutes as amended. Lou seconded the Motion. Lou, Marie, Dave, Greg, and Mary Beth approved the Motion. The Motion passed unanimously.

REPORTS

3. Building Permit Agent.

Faylene denied an electrical permit for a well for Lots 330/331 because the siting of the well did not adhere to the setbacks established by the CV zoning ordinance. The property owner has submitted a request for a variance. A building permit for a garage on Lot 227 was issued and a septic permit was issued for Lot 361.

NEW BUSINESS

4. Discussion and possible action re: Proposed Amendments to Ordinance 2003-3: An Ordinance Encouraging the Movement of Deer within Castle Valley by Limiting the Use of Exclusionary Fencing.

Mary Beth reported that the Town Council did not pass the proposed amendments to Ordinance 2003-3 and sent the Ordinance back to PLUC. Comments from the Town Council included asking what is wrong with the current ordinance, viewing the revision as more deer friendly than people friendly, going overboard in favor of wildlife, and being unfair to property owners who do not operate an agricultural business but do have livestock and vegetation to protect. One suggestion from the Town Council was to require a CUP for fencing over four feet or for fencing that differed from the enclosure of one acre of land. Town Council members discussed whether a CUP for fencing should run with the land or not. There was no consensus. Mary Beth explained that the intent of the PLUC amendments were to address setbacks that were too close, regulations that were too complex and unnecessary for fences less than 4 feet tall, and the loopholes that existed in the current ordinance.

Mary Beth felt that valuable comments were made at the Town Council meeting, and suggested

that the PLUC take a fresh look at the current Ordinance and focus on producing a simpler version. Points to consider would be: a CUP option for fencing over four feet, appropriate setbacks, needs of property owners with livestock, health and safety issues resulting from pushing deer on to Castle Valley Drive, and closing loopholes.

Committee members confirmed that they want to give further consideration to this Ordinance. They agreed to take a month to review and consider the current ordinance, then decide next month whether to pursue further amendments.

Dave restated the Town of Castle Valley's long-term commitment to maintaining an open migration corridor for deer through the valley and the need to take responsibility for their safety in migration. He said that a good fencing ordinance could "incentivise" deeper setbacks so that there would be deer corridors. Greg noted that even the type of fencing can make a difference. Open fencing can allow deer through while still containing horses and other livestock.

After a discussion of other topics that PLUC members would like to address, committee members agreed to begin revisions to Ordinance 85-3 before resuming work on the fencing ordinance. Members thought that watershed protection was another important topic, but decided to wait to address that issue until after ownership of SITLA lands in the Castle Valley watershed has been transferred to BLM, approximately 18 months away. At the next PLUC meeting, committee members will discuss their review of the current fencing ordinance-- Ordinance 2003-3. If members want to pursue amendments to the fencing ordinance, they will return to it once they have addressed Ordinance 85-3.

Greg motioned to table Proposed Amendments to Ordinance 2003-3. Marie seconded the Motion. Lou, Marie, Dave, Greg, and Mary Beth approved the Motion. The Motion passed unanimously.

OLD BUSINESS

5. Discussion and possible action re: Ordinance 2006-3: A Resolution Establishing the Planning and Land Use Commission and Designating Land Use and Appeal Authorities (tabled).

Dave motioned to untable Ordinance 2006-3: A Resolution Establishing the Planning and Land Use Commission and Designating Land Use and Appeal Authorities. Lou seconded the Motion. Lou, Marie, Dave, Greg, and Mary Beth approved the Motion. The Motion passed unanimously.

Mary Beth clarified how the dates in Sections 2 and 19 allow the terms of PLUC and BOA members to stagger. The date for BOA members in Section 19 will be set based upon the date the Ordinance is approved by the Town Council.

Committee members reviewed the changes and corrections that were made at the last meeting which eliminated redundancies in Sections 1 and 3 and changed wording in Sections 18 and 32 that kept the standard of review for appeals to the record. A few grammatical corrections were made and "building permits" was changed to "appeal" in Section 37.

Members were concerned about the wording in Section 32-4 regarding staying an action that has been appealed. Concerns were raised that someone could halt building progress simply by filing an appeal regardless of whether or not there is legitimate grounds for such an appeal.

Most committee members favored wording that would allow the BOA or some other designated authority to decide whether the action should be stayed pending a hearing. There was additional concern about how to prevent frivolous grounds as a basis for an appeal and the need to provide a reasonable time frame for a hearing that the town can meet. Mary Beth will research wording and legal requirements that address these concerns.

Greg motioned to retable Item #5. Dave seconded the Motion. Lou, Marie, Dave, Greg, and Mary Beth approved the Motion. The Motion passed unanimously.

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

Left tabled.

7. Discussion and possible action re: reorganization and revision of Zoning Ordinance (tabled).

Left tabled

Greg motioned to adjourn. Lou seconded the Motion. Lou, Marie, Dave, Greg, and Mary Beth approved the Motion. The Motion passed unanimously.

ADJOURNMENT: 9:07 P.M.

APPROVED:

ATTESTED:

Mary Beth Fitzburgh, Chairperson Date
Planning and Land Use Commission

Denise Lucas, Town Clerk Date