



PENDING MINUTES

PUBLIC HEARING

regarding proposed amendments to Ordinance 85-3 to remove a sentence in Section 4.9 Permitted Livestock Requirements and Animal Units for RAR-1 Zone that states “Livestock not listed in this chart may be allowed through a conditional use permit” and to delete all of Section 4.10 Specific Review Criteria for Conditional Use Permits for Livestock Exceeding One and Half (1.5) Animal Units per Acre for RAR-1 Zone

and

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

Date: Wednesday, October 2, 2019

Time: 6:30 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Ryan Anderson, Pamela Gibson, Marie Hawkins (arrived 6:55 P.M.), Bill Rau, Colleen Thompson

Absent: None

Others Present: Jack Anderson, Jocelyn Buck, Jazmine Duncan, Mark Leggett, Jennifer Mengel
Clerk/Recorder: Faylene Roth

CALL TO ORDER PUBLIC HEARING

Rau called to order this Meeting which includes a Public Hearing regarding proposed amendments to Ordinance 85-3 to remove a sentence in Section 4.9: Permitted Livestock Requirements and Animal Units for RAR-1 Zone that states “Livestock not listed in this chart may be allowed through a conditional use permit” and to delete all of Section 4.10 Specific Review Criteria for Conditional Use Permits for Livestock Exceeding One and Half (1.5) Animal Units per Acre for RAR-1 Zone and the Regular Meeting of the Planning and Land Use Commission (PLUC) of the Town of Castle Valley at 6:32 P.M.

1. Open Public Comment.

Jennifer Mengel asked for clarification of the rationale behind these changes. Rau explained that the Town Council—after imposing a moratorium on livestock conditional use permits based on their concern about the impact of livestock on the quality of our aquifer, the potential impact on neighbors, and the conflict with the character of Castle Valley at this time—had mandated the PLUC to address necessary changes in Ordinance 85-3 to remove these conditional use permits (CUP) for additional livestock. He cited the enormous task the PLUC has faced over the past year in addressing adequate mitigations for this type of CUP. Thompson added that changes to State law do not allow municipalities to deny conditional use permits so the current trend among towns and counties throughout Utah is to eliminate CUPs and to provide clear standards in their ordinances for what is permitted.

Mengel asked whether the goal was to eliminate all livestock or just commercial raising of livestock. Rau replied that the Ordinance still permits up to six (6) animal units per lot; so, if someone wanted to attempt a commercial endeavor or to sustain themselves with no more than six (6) animal units, they could still do so. These proposed changes, he said, would restrict the number of livestock per lot to no more than six (6) animal units.

Mengel asked if six (6) animal units were known to be the threshold for a threat to the aquifer. Rau said he could not answer that question at this point but that the PLUC will be addressing whether the permitted number of animal units should be reduced at a later date.

Jack Campbell presented to the PLUC two Utah Geological Survey (UGS) reports which bear on Castle Valley water and referenced an Environmental Protection Agency (EPA) document which designates Castle Valley’s water source as a sole-source aquifer and the Castle Valley General Plan adopted in 2014—all of which, he said, supports these amendments to reduce the number of livestock allowed on CV lots. These documents, he said, all address the potential for contamination to our watershed. He read from one of the UGS studies which states: “The unconsolidated valley-fill aquifer is the most important source of water in Castle Valley because it provides good quality drinking water, however it is most susceptible to contamination...The potential for contamination is significant.” Campbell said that, because of the unconfined aquifer, whatever falls on the ground, if not evaporated, goes down into the ground. Another report he said



studied septic tank density in Castle Valley and determined that the bulk of property this side of Castle Creek should have been zoned at one septic system per 15 acres. The significance to the number of livestock is that they are a source of concentrated nitrates--from their urine--which are a known listed toxic chemical that can cause brain damage in young children. Given that the General Plan of 2014 cites protection of Castle Valley's unconfined aquifer and given that we already have more animal waste put into our septic tanks than USGS recommends, Campbell warned that adding even more urine from large animals threatened our aquifer. He strongly recommended that the TC support these amendments to eliminate conditional use permits for excess livestock.

Mengel asked if anyone present was in support of not recommending this amendment. There was no response.

Jocelyn Buck, speaking as a property owner not a Town official, expressed her support of these amendments as a way to protect the Castle Valley aquifer and expressed her opinion that the conditional use permit for livestock was an unwieldy mess and should be eliminated.

Mengel added her overall support to change the ordinance to eliminate the CUP for additional livestock and said she, personally, did not believe a commercial cattle operation should be allowed in the valley; but, she expressed concern about the rights of property owners who have invested in something with the expectation that they could have greater numbers of animals. She expressed the importance that Town government create documents that are clear and understandable. She pointed out the confusion in the introduction to Section 4.9 which states that no more than six (6) animal units are allowed per lot but also states that up to eight (8) large sized animals are allowed.

Pamela Gibson added here that references to the maximum numbers of animals allowed under a conditional use permit in the 4.9.4 Animal Unit Chart for large, medium, and small sized animals should also be deleted.

Thompson acknowledged the importance of Mengel's concerns but restated that the mandate to the PLUC at this point was to address removal of livestock CUPs and that other issues were beyond the scope of this review at this time.

Anderson moved to adjourn the Public Hearing. Gibson seconded the Motion. Anderson, Gibson, Rau, and Thompson approved the Motion. Hawkins was not present during the vote. The Motion passed with a unanimous vote of those present.

CALL TO ORDER REGULAR MEETING

Rau called the Regular Meeting of the Planning and Land Use Commission to order at 7:03 P.M.

1. Open Public Comment. - None.

2. Approval of Minutes.

Regular Meeting of September 4, 2019.

Thompson moved to approve the Minutes as presented. Gibson seconded the Motion. Anderson, Gibson, Rau, and Thompson approved the Minutes. Hawkins was not present until after the vote. The Motion passed with a unanimous vote of those present.

3. Reports.

Correspondence. - None.

Town Council (TC) Meeting - Thompson reported that the open burn window has been pushed back to October 31. She added that burning is always prohibited when the Smokey the Bear post reads "High" or higher. Thompson also reported that the TC decided not to take advantage of the \$1500.00 per year they might gain from a Municipal Telecommunications License Tax on monthly Frontier and Emory bills since the cost would be passed on to CV residents. She also reported that the November general election will not include a Castle Valley election since there is only one candidate for each open position. She added that the Town has posted the PLUC opening which begins January 1, 2020, when Gibson transfers from the PLUC to the TC. Mayor Duncan added that there is also an opening on the Roads Committee.

Permit Agent - Building Permit Agent

- **Permit Activity.** - Thompson reported that a septic permit and building permit for a single-wide HUD home was permitted on Lot 438, in addition to a garage on Lot 37 and a Certificate of Land Use Compliance for an agricultural shed on Lot 166.
- **Updates on Recent Applications** - Thompson said she has two Certificate of Occupancy inspections scheduled in the upcoming week.



Procedural Matters.

- **General Plan Survey Update** – Rau led a discussion regarding which questions from the Survey might benefit from breaking out results between residents and nonresidents, as well as other categories. In addition they discussed which results merit displays as graphs.

For quantitative questions, PLUC Members suggested breaking out results for the following questions between residents and nonresidents: A2, A3, A6, B6, C1, C2, C3, C6, E1, E2, F5, G1 (a-d), H1. In addition, it was suggested to tie the results of B6 to B5 and to break out E3 based on age and to tie the results of H1 to I1. Thompson noted that all questions in the last survey were broken down by resident versus nonresident.

Questions E4 (a-d), F1, H1, I1, J1, J2 were suggested for display as graphs. Thompson offered to help with graphing.

PLUC Members discussed which qualitative questions provided direction for future work by the PLUC and TC, such as addressing the safe and proper use of pesticides and herbicides through education rather than legislation. Another idea was to apply the ideas generated in C5 to the opinions expressed in the quantitative questions about livestock numbers and types. PLUC Members agreed it was important to address the repeated concerns expressed in the survey about the lack of enforcement for existing and future ordinances. One offshoot from a question regarding aging was to consider how grants might help the Town in meeting some of its needs. Another was the use of community volunteer groups in hauling away junk, putting up or removing fences, etc.

Rau will send the lists of questions appropriate for break outs and graphs to Bob O'Brien. Roth will edit the quantitative results prepared by O'Brien for accuracy and uniformity. PLUC Members will then decide when and how to share the results with the public—possibly through posting on the Town website and inviting property owners to a PLUC Meeting at which preliminary results would be shared and discussed.

PLUC Members agreed to take separate sections (see below) of the last General Plan Report and draft a summary of what the current survey reveals about property owners' concerns, what trends there may be, and what should be retained from the last report.

Introduction – Rau
Chp 1 Community Goals – Rau
Chp 2 Land Use – Thompson
Chp 3 Housing and Waste-water Disposal Systems – Hawkins
Chp 4 Transportation and Road – Anderson
Chp 5 Water - Anderson
Chp 6 Fire Protection and Emergency Preparedness - Rau
Chp 7 Environmental Concerns – Gibson
Chp 8 Town Government - Thompson.

- **CUP/BL Renewal Schedule** – Roth described the upcoming process for Conditional Use Permit and Business License renewals. She said notifications will be sent October 11, 2019, with a November 1, 2019, return date. PLUC Members will review a list of current permit holders at the November 2019 PLUC Meeting. The final report will be reviewed for recommendation to the TC at the December 2019 PLUC Meeting.
- **December 2019 Meeting Date** – PLUC Members agreed to change the December 2019 PLUC Meeting from December 4 to December 11.
- **Other** – None.

NEW BUSINESS – None.

UNFINISHED 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.

PLUC Members agreed to the two major recommendations to the Town Council to delete the sentence in Section 4.9 referring to a conditional use permit and to delete all of Section 4.10 describing the specific review criteria for conditional use permits for livestock exceeding the permitted number.

After considering input from the Public Hearing held at the beginning of this Meeting and written information submitted to the PLUC before the Meeting, PLUC Members also agreed to recommend deletions

of Section 4.5.1(d), 4.5.1(e) and portions of 4.9.4 because of their references to conditional use permits for livestock:

PLUC Members directed Roth to ensure that the Table of Contents and disrupted numbering of Chapters due to the deletions are corrected in the final draft. Thompson will provide a copy of the required renumbering to Roth.

Thompson moved to recommend the following amendments to Ordinance 85-3 to the Town Council:

- delete the sentence in Section 4.9 that states “Livestock not listed in this chart may be allowed through a conditional use permit”.
- delete all of Section 4.10: Specific Review Criteria for Nonroutine Conditional Use Permits for Livestock Exceeding one and one-half (1.5) Animal Unites per Acre for RAR-1 Zone.
- delete Sections 4.5.1.D: The raising, care, and keeping of no more than three (3) animal units of livestock per acre on each legally platted lot in the Town of Castle Valley as determined from section 4.9 of this land use ordinance. One acre of land on each legally platted lot shall be deemed as a residential housing acre and shall be excluded from the total acreage available for animal unit calculations. Also, no more than 12 large sized animals, or 50 medium sized animals, or 150 small sized animals shall be allowed on each legally platted lot as determined from the chart in section 4.9.
- delete 4.1.5.E: Animals not listed on the chart in section 4.9 of this land use ordinance.
- delete the following three phrases in Section 4.9.4: Animal Unit Chart.
 - Large Sized Adults Over 6 months of age: delete the phrase “...and no more than 12 large sized animals from this category shall be allowed as a conditional use on each legally platted lot”.
 - Medium Sized Adults Over 6 Months of Age: delete the phrase “...and no more than 50 medium sized animals from this category shall be allowed as a conditional use on each legally platted lot”.
 - Small Sized Adults Over 6 months of age: delete the phrase “...and no more than 150 small sized animals from this category shall be allowed as a conditional use on each legally platted lot”.

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

5. CLOSED MEETING – None.

ADJOURNMENT

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

Rau adjourned the Meeting at 8:26 P.M.

APPROVED:

ATTESTED:

Bill Rau, Chairperson

Date

Faylene Roth, PLUC Clerk

Date