

**MINUTES**  
**REGULAR MEETING OF THE PLANNING & LAND USE COMMISSION**

Date: Wednesday, August 11, 2010

Time: 7:00 PM

Place: #2 CV Drive, Castle Valley Community Center

Present: Mary Beth Fitzburgh, Marie Hawkins, Lou Taggart

Absent: Laura Cameron, Eddie Morandi

Others Present: Eleanor Bliss, Dave Erley, Bruce Keeler, Joan Sangree, Erik Secrist

CALL TO ORDER: 7:04 P.M.

1. Open Public Comment

None

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

Lou motioned to untable Item 2: Discussion re: reviewing and amending town ordinances that limit the number of livestock which can be kept on five acres of land. Marie seconded the Motion. Lou, Marie, and Mary Beth approved the Motion. The Motion passed unanimously.

Mary Beth presented two drafts with revised definitions in Section 1.8 and alternative language in Sections 4.2-4.9 regarding permitted uses and conditional uses that relate to the raising of livestock in the Town of Castle Valley. Community members present participated in a discussion about the proposed changes to Ordinance 85-3 that would limit the number of livestock allowed on a five-acre lot and that would outline expected management practices that would mitigate the impact of livestock on neighbors and on the quality of the Castle Valley watershed.

Proposed changes to definitions redefines "agriculture" as the work of producing crops. Livestock raising is described separately. New definitions were added for the following terms: feedlot, kennel, and livestock. Dave suggested adding a definition for "open waterway" because of hazards related to the flooding of Placer Creek and other drainages. This concern is addressed in new language added in Section 4.9. The definition for "feedlot" was refined.

Both drafts remove the commercial/personal designation that currently determines whether livestock raising is a permitted use or a conditional use. Under the proposed changes, the determination would be based upon number of livestock. Number of livestock is to be based on an allocation per acre. The allocation per acre could be determined by the size of the animal or by animal unit values which are in common use throughout Grand County, Utah, and the whole country. One acre of each lot would be deemed residential and excluded from

the calculation. Feed lots, fur farms, animal hospitals, kennels, and animal byproducts rendering plants would be prohibited.

Section 4.9 describes expected management practices, fencing requirements, and siting requirements of livestock enclosures for all livestock owners. Section 4.11 outlines specific review criteria for those who would require a Conditional Use Permit for a greater number of livestock than allowed under the Town's Permitted Uses.

PLUC and community members present discussed: appropriate number of livestock per acre, how to count breeding animals, feasibility of pasture requirement, appropriate mitigation factors, floodplain and drainage issues, and domestic pets. Education of livestock owners and enforcement of the Ordinance were also discussed. The Castle Valley building information packet was suggested as one source to make information available. Issues related to domestic pets are governed by the Town's Animal Control Ordinance and will be considered when it comes up for review.

A general consensus within the group was reached that two animal units per acre is too high for a Permitted Use and that the use of animal units (rather than limits based on type of animal) provided more flexibility to the livestock owner in determining how many animals may be maintained. One suggestion was to base the number allowed upon animal units with a cap on the number of each type of animal. A general consensus regarding fencing was that a four foot fence is too low for horses and that a six-foot fence allowance would be more appropriate.

Mary Beth will redraft these proposals for the September 1, 2010, PLUC Meeting. She proposed holding a Public Hearing on the changes at the October 6, 2010, PLUC Meeting.

#### APPROVAL OF MINUTES

3. Regular Meeting June 2, 2010.
4. Regular Meeting July 7, 2010.

Marie motioned to table the approval of both sets of Minutes. Lou seconded the Motion. Marie, Lou, and Mary Beth approved the Motion. The Motion passed unanimously.

#### REPORTS

5. Town Council Meeting – Chair.

Mary Beth will address topics as they appear on the Agenda.

6. Building Permit Agent.

One building permit for a residential addition was issued. A non-routine CUP application was included for review. It will be addressed at the September 1, 2010, PLUC Meeting.

## NEW BUSINESS

7. Discussion and possible action re: appointing a representative from Castle Valley to the Citizens Advisory Committee for the County General Plan Revision.

Lou motioned that Mary Beth serve as the Castle Valley representative with Marie and/or Dave as alternate to the Citizens Advisory Committee for the County General Plan Revision. Marie seconded the Motion. Lou, Marie, and Mary Beth approved the Motion. The Motion passed unanimously.

8. Discussion and possible action re: amending 85-3 to require permanent structures intended for living purposes to meet the IBC definition for Dwelling Unit.

Mary Beth presented an addition to Ordinance 85-3, Section 5.7, that would require any permanent structure that is to be used for living purposes to contain independent living facilities for living, sleeping, eating, cooking, and sanitation. This change was requested by Jeff Whitney, Grand County Building Inspector.

Marie motioned to table this item. Lou seconded the Motion. Marie, Lou, and Mary Beth approved the Motion. The Motion passed unanimously.

## OLD BUSINESS

9. Discussion and possible action re: reorganization and revision of Zoning Ordinance 85-3 (tabled).

Left tabled

10. Discussion and possible action re: creating a municipal zone for the town lot (tabled).

Marie motioned to untable Item 10. Lou seconded the Motion. Marie, Lou, and Mary Beth approved the Motion. The Motion passed unanimously.

Mary Beth reported that she had talked with Gerry Kinghorn, Town Attorney, who said that many towns do not include municipal buildings in their definition of building. He recommending adding the following phrase to the definition of building, "this definition does not include buildings owned by the Town or by the Fire District." The PLUC can add a definition for municipal buildings to the land-use ordinance and specify setback, height, and square footage limits for municipal buildings.

Marie motioned to table Item 10. Lou seconded the Motion. Marie, Lou, and Mary Beth approved the Motion. The Motion passed unanimously.

11. Discussion and possible action re: reviewing and amending Ordinance 96-1: Watershed Protection Ordinance (tabled).

Marie motioned to untable Item 11. Lou seconded the Motion. Marie, Lou, and Mary Beth approved the Motion. The Motion passed unanimously.

Mary Beth reported on her discussion with the Gerry Kinghorn, Town Attorney. He commented that State Statute 10-8-15 (referred to in current Ordinance) protects surface water. Kinghorn told her that the current Watershed Ordinance allowed the Town to get our sole-source aquifer designation. He recommended against changing the Ordinance because it could open the door for lawsuits from anyone already doing business on the land in question. According to Kinghorn, Castle Valley has no jurisdiction on lands outside of the Town boundary. He suggested making all agencies (BLM, Forest Service, etc.) aware of our ordinance and to make agreements with these agencies about what can be done on land within our watershed. The Town can require studies, tests, and other hurdles that have to be addressed before a permit from the Town to drill or mine within our watershed would be granted. Kinghorn suggested that we create a map of our watershed and recommended using the geological recharge map included with our sole-source aquifer designation to clarify the area of concern. He felt this map would be most useful to other agencies because it was based on science. He said that we should work to get this map into the documents and ordinances held by the various entities that share our watershed. These agreements and getting a map out can all be done without needing to amend the current ordinance. Dave Erley provided a map of our watershed to PLUC members.

PLUC members agreed to Dave's suggestion that the Town pursue a letter of understanding regarding Castle Valley's need to protect its watershed outside the Town Boundary, including a buffer zone. Discussions will proceed first with the local BLM office, then with the Forest Service, Grand County and Southeastern Utah Department of Health. According to Dave, if a Town puts something into an ordinance; such as, "We do not believe drilling should be done in our aquifer," then government agencies have to justify why they would go against that. The PLUC will look at changing wording in Ordinance 85-3 to prohibit certain types of activities. Dave suggested that a PLUC representative be included in discussions with the BLM.

Marie motioned to retable Item 11. Lou seconded the Motion. Marie, Lou, and Mary Beth approved the Motion. The Motion passed unanimously.

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

ADJOURNMENT 9:43 P.M.

**APPROVED:**

**ATTESTED:**

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**Mary Beth Fitzburgh, Chairperson**    **Date**  
**Planning and Land Use Commission**

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**Denise Lucas, Town Clerk**                      **Date**