

MINUTES
PUBLIC HEARING

Ordinance 85-3 amendments to Chapter 4.9 pertaining to the removal of Chapter 4.10 and removal of entire Chapter 4.10 Conditional Use Permits for extra animals beyond permitted use and the renumbering of subsequent chapters.

AND THE REGULAR TOWN COUNCIL MEETING

THURSDAY NOVEMBER 21st 2019 AT 6:30 P.M.

CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE

Council Members Present: Mayor Duncan and Council Members: Drogin, Hill and Holland.

Absent: CM O'Brien

Others Present: Bruce Keeler, Ron Drake, Jack Campbell, Pamela Gibson, Greg Child, Donna Kramer, Tom Wood, Colleen Thompson, Dan Vink and Deb Dull.

Clerk: Jocelyn Buck

Call to order

Mayor Duncan called to order the Public Hearing and Regular Town Council Meeting at 6:30 PM.

PUBLIC HEARING

Ordinance 85-3 amendments to Chapter 4.9 pertaining to the removal of Chapter 4.10 and removal of entire Chapter 4.10 Conditional Use Permits for extra animals beyond permitted use and the renumbering of subsequent chapters.

Public Comment

Bruce Keeler stated he whole heartedly supports the change to this zoning Ordinance. In crafting this Ordinance there was a lot of really good stuff in there about setbacks for corrals etc etc.. The basis for the number of animals allowed in the CUP is ridiculous, 25-30 years ago maybe this would have been a good Ordinance, here when you could buy multiple lots like 4 or 5 of them, and it could have been used for an operator with as many animals included in that. That might have been a good time for that. That does not exist here anymore. In the preamble of the Ordinance it states about the animal usage is that it is for home use, for feeding your family not commercial scale. That is what you are eliminating now, the commercial scale. He also hopes that in the future the permitted number of animals can be looked at and approached with a more realistic baseline for our particular environment. The original numbers do not come from this type of environment they come places where there is a lot more rain, where manure and by product get broken down more quickly. Here they have to be collected; watered and composted it takes a lot of time and work. Because of all of this I fully support the action you are considering taking.

Jack Campbell stated that in order to make a decision like this and it not be considered by court as an arbitrary and capricious decision you need some data to back it up. He entered in to record two Castle Valley watershed reports that are highly relevant one identifies that Castle Valley watershed is an unconfined aquifer, if you have a large number of animals urinating in a field it will eventually go into the next lot's well. The other report gave a recommendation of the septic density be one septic tank per 15 acres. It was already platted out the other way so nothing could be done about it. Nitrates from urine are the primary contaminate, large numbers of animals such as in the conditional use section of this Ordinance would be is a large biomass. Since the UGS said that we are already over the limit this is strong evidence and support for this change.

Recharge Area and Water Quality of the Valley fill Aquifer, Castle Valley, Grand County, Utah.

UGS Report 229 April 1996

Groundwater Quality Classification and Recommended Septic Tank Soil absorption-system Density

Maps, Castle Valley, Grand County, Utah

UGS 2004

Campbell concluded by mentioning that we have a sole source aquifer if we contaminate this aquifer we have no other options. The Castle Valley General Plan 2014 has a strong emphasis on protecting the aquifer as well as clean air this supports eliminating the CUP and amending this Ordinance. Castle Valley is a 448 unit subdivision; to have those numbers of animals permitted is pretty bizarre. Additionally in the multiple PLUC meetings where this CUP was discussed the community has come out and strongly supported reducing the number of animals. If and when the Council makes a motion to approve it helps to allude to these supporting documents.

Colleen Thompson (Planning and Land Use Commission member) stated that the extra animal conditional use permit in the Ordinance was enacted 9-10 years ago and in all that time nobody has ever applied for one until last year. And that application was later withdrawn. This summer, in the public survey for updating the General Plan there was overwhelming support for removing this Conditional Use Permit.

M Duncan closed the Public Hearing at 6:44PM

REGULAR TOWN COUNCIL MEETING

1. Regular Town Meeting Open Public Comment

Tom Wood asked about the adjacent lot to the Town Building regarding parking in the easement. M Duncan stated that we are not encouraging parking in the easement, but it is the Town's easement. The easement does not affect parking in the Town's parking lot.

Pamela Gibson asked about the Town's legal rights regarding the post one foot away from the pavement at the corner of Castle Valley Drive at Lot 429. M Duncan clarified that the edge of the road is not in the easement, the asphalt extends on Lot 429 property. His corner post if he put it at the edge of his property would be even more into the road; he did back it off a bit. We are going to correct the swing of the road and make the corner clear. There is no other fence in the valley that we have required to put farther away than the property line.

Gibson asked if the Town is incurring expenses to move the road, could the Town approach the property owner and offer them money to move the corner back. It wouldn't hurt to ask.

Thompson and M Duncan both stated that there won't be too much involved in moving the road over just repainting the center line and some signage. And in fact this corner may slow drivers down which we have been trying to do for 2 years. If that all doesn't work then maybe stop signs will.

2. Approval of Minutes:

- * Regular Town Council Meeting October 16, 2019.

CM Hill motioned to approve the Minutes as presented, CM Drogin seconded, motion passed unanimously.

- * Emergency Joint Meeting October 15, 2019.

CM Hill motioned to approve the Minutes as presented, CM Holland seconded, motion passed unanimously with CM Drogin abstaining.

3. Executive Reports:

- * Rocky Mountain Power (RMP) - Deb Dull

Deb Dull introduced herself and Dan Vink.

Dan Vink RMP District Manager explained that on August 28th there was a large transmission outage down by Monticello so they had to redirect power from a different line and because the power was coming from farther away they had to boost it up which caused the surge when the power came back on. Vink recommended if there were any damages from the surge to please contact their claims department. Buck pointed out that some residents are still finding damages months later. Vink stated they too should be filing claims. Other projects ongoing are crews have been replacing a lot of poles that are not high enough to meet the legal clearance required once the Emery fiber lines are attached. The communication lines have to be strung a specific distance separate from the power lines. There may be

some individual outages replacing these poles but the public affected will be notified. Any old PCV transformers are also being replaced.

Deb Dull presented her power point on House Bill 411 Community Renewable Energy Act. Rocky Mountain Power is to partner with Utah municipalities and/or counties served by RMP to develop a renewable energy program in order to achieve a net 100% renewable resource energy goal by 2030. Park City, Salt Lake City and Moab City have already made that commitment. Castle Valley's Municipal Buildings were the first in Utah to go 100 % renewable energy. HB 411 terms and requirements are in the infancy stage. The Community must adopt a Resolution by December 31, 2019. In 2020 the framework, rate projections, implementation plans, billing rate and customer participation would be worked through. In 2021 the community would pass an Ordinance then all customers are opted in unless within 60 days they decide to opt out. Fees will be adjusted by RMP annually. As RMP goes out and develops and /or buys more renewables the costs will fluctuate and probably increase. Within HB 411 there must be provisions for low income residents because the renewable will cost more. RMP's 2019 Integrated Resource Plan (IRP) models future requirements as well as the public's demand for renewables. Expectations are to add 7000 megawatts of new renewables by 2025 and 11,000 megawatts by 2038. This investment will coincide with the retirement of 16 of the 24 Coal fire power plants by 2030 and 20 of the 24 by 2038, a significant 50% carbon emission reduction by 2030 and 80% by 2040. Their IRP program already includes Blue Sky, Subscriber Solar, car charging stations, solar and local renewable project grants for the MARC, KZMU, Library, High School and the Animal Shelter. RMP is in the process of developing Moab Blue Sky Solar their first community solar project which will probably be located up near the Moab Golf course. RMP is committed to HB 411 and if Castle Valley wants to participate they will need to pass a resolution by December 31st.

M Duncan asked and had clarified that even if we do the resolution and end up not getting the Community's support can we still opt out.

Thompson clarified the way she sees it the Community is committing to paying higher power bills in order to support the development of renewables.

Dull explained that even though Utah's population is growing the demand for electricity is not growing as fast because lighting and appliances have become so much more energy efficient.

M Duncan thanked Deb and Dan for coming.

- *EMS District- Ed Weeks – nothing to report

- *Roads Committee - Mingo Gritts- Minutes and report provided.

- *Planning & Land Use Commission-Colleen Thompson- Minutes and report provided.

- *Housing Task Force- M Duncan- nothing to report

- *Water Agent Report - John Groo- not present and nothing to report.

- *Fire District-M Duncan

Memorandum of Understanding is pending for the Town to use the well on the Fire District's Lot 13.

Emery Telecom is working with the Fire District to store their equipment on Lot 13.

- *Landscaping Report- CM Drogin

M Duncan asked to have Eileen help out on the back lot around the Road Shed. The Road Crew can give her some direction.

- *Solid Waste District-Stephanie Hambrosky report provided -

4. Correspondence: Our Liability insurance and Workers Compensation charges have decreased by \$450.

5. Administrative Matters & Procedures: Update from Regional Advisory Council Meeting.

CM Drogin reported the RAC meeting started a 6:30 PM and they got to do their presentation at 11:00PM. Holland had put together a really good power point. Drogin thanked Pam Hackley for her comments. Their presentation was recorded. CM Holland briefed the Council on their RAC presentation proposing Archery only along the Town residential boundaries. Eventually the RAC agreed to recommend to the DWR Board Archery Only and wanted to add shotgun for bird hunting. On December

5th CM Holland and CM Drogin will give their presentation to the DWR Board in Salt Lake City. CM Drogin added that for shotgun bird hunting they want to make sure lead shot is prohibited, steel shot only. RAC member Gerrish Willis suggested the Town have the DWR write the Ordinance. CM Holland and CM Drogin added the RAC suggested we need to change some of our Ordinance language prohibiting carrying firearms in Archery Only areas because that may conflict with State law, and to clarify this we should consult Christina Sloan. In addition we need to add an exception for Law enforcement and Wildlife Management that allows them to come into Town Boundaries to take measures to manage chronic wasting or if they have to cull the herd. CM Holland and CM Drogin will work on a raw draft of the proposed Ordinance for the DWR Board Meeting. Council agreed to have the Emery Franchise Agreement Ordinance Public Hearing December 18th 2019. Leigh Singleton our representative on the Recreation District had reported to Buck that we received \$2500 of our requested \$5000 grant for our pit toilet. Leigh also had found another grant we could apply for to get matching funds. She will need some help grant writing it and Buck volunteered CM Hill to help her.

NEW BUSINESS

6. Discussion and Possible Action re: Approval of Ordinance 85-3 amendments to Chapter 4.9 pertaining to the removal of Chapter 4.10 and removal of entire Chapter 4.10 Conditional Use Permits for extra animals beyond permitted use and the renumbering of subsequent chapters.

CM Hill motioned to approve Ordinance 85-3 amendments to Chapter 4.9 pertaining to the removal of Chapter 4.10 and removal of entire Chapter 4.10 Conditional Use Permits for extra animals beyond permitted use and the renumbering of subsequent chapters, CM Drogin seconded motion passed unanimously.

7. Discussion and Possible Action re: Approval of 2020 Town Council Meeting Dates.

CM Hill motioned to approve 2020 Town Council Meeting Dates, CM Holland seconded, motion passed unanimously with CM Drogin abstaining.

8. Discussion and Possible Action re: Lot 438 application for a building permit to construct storage shed on top of a non-complying (setback) underground well house.

Franz (Tassilo) Thoma explained that he is not changing the use of the building it will be storage shed not a studio as his original application stated. He wants to put a roof on the well house structure and he is not changing the footprint of the building only the height of the building so that he can put an internal stairwell down into the well house.

CM Holland questioned that adding on top of the existing foundation is changing the character and the use of the structure.

Thoma stated that he has no plans to change the use it will only be for storage. Regarding changing the character as for height the Council previously has approved the Matz's Shop, their original structure was less than 17 feet and now it is at the limit at 19 feet. His structure is going from a height of 18 inches and adding approximately 8 to 9 feet. He added this is basically a free foundation that will enable him to put in an internal stair way.

CM Holland asked why he couldn't use the currently used access and build exterior stairs.

Thoma explained that would increase the foot print and decrease the setback to the road. It would also take a lot of concrete to build exterior stairs and that would also require a pump system because water would collect inside the building coming from the exterior stairs. If he covered the outside stairwell that would definitely encroach farther into the set back. He had looked and never found any definition for the word "character" used in Ordinance 85-3 CH 6.2.

Both CM Holland and M Duncan agreed there was ambiguity in the use of the word "character", which by State law rules in favor of the applicant.

Thompson clarified that the footprint will change because of the covered deck he is adding but the extension will be away from the road setback. The PLUC members split their votes for this application.

because of the extent of the new structure's non-compliance those that voted to approve felt that the non compliant setback will still remain the same.

CM Holland expressed concerns that some of the ambiguities in the Ordinance make it difficult to apply.

CM Drogin motioned to approve the Building Permit for the non-compiling structure on Lot 438, CM Holland seconded. Motion passed with CM Hill abstaining.

UNFINISHED BUSINESS- None

9. Closed Meeting (If necessary).

10. Payment of the bills.

CM Drogin motioned to pay the bills, CM Holland seconded, motion passed unanimously

ADJOURNMENT

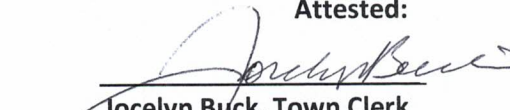
CM Hill motioned to adjourn, CM Drogin seconded, motion passed unanimously.

M Duncan adjourned the Meeting at 8:29 PM

Approved:


Jazmine Duncan, Mayor
Date: 12/19/2019

Attested:


Jocelyn Buck, Town Clerk
Date: 12-19-19

OFFICIAL COPY
CV Recorder 

