



AGENDA

PUBLIC HEARING ON THE TENTATIVE BUDGET FOR FY 2021 PUBLIC HEARING ON DRAFT ORDINANCE 2021-3 PROVIDING FOR COMPENSATION FOR THE MAYOR & THE REGULAR TOWN COUNCIL MEETING

WEDNESDAY, JUNE 16th, 2021 AT 6:30 P.M.

****Due to concerns regarding the potential spread of COVID-19 this meeting will be held electronically by Conference Call. If you have comments or concerns for the Council please email them prior to the Meeting: townclerk@castlevalleyutah.com or call 259-9828 M-W 9AM-1PM. Thank you!**

Electronic Meeting Determination

Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. § 54-2-207(4), Jazmine Duncan, Mayor of the Town of Castle Valley issues this Determination supporting the decision to convene electronic a meeting of the Council via Conference Call without a physical anchor location. Due to the COVID-19 pandemic Meetings at the anchor site may present substantial risk to public health and safety. Taking into consideration public health orders limiting in-person gatherings, the average "at risk" age of Town residents and the limited space in the Town Building, the Town of Castle Valley will continue to hold meetings by electronic means. This determination expires 30 days after the day on which the Mayor has made the determination. The public can join the Conference Call Meetings or submit comments through emails

**** HOW TO JOIN THE CONFERENCE CALL ***

Option 1 Dial-in phone number (US): (978) 990-5000 follow prompts Access code: 895972#

Option -2 Join the online meeting (must have computer speakers and microphone):

<https://join.freeconferencecall.com/townclerk58> Online meeting ID: townclerk58*After callers login into the Meeting press *5 to mute, the call Host will unmute the Council when the meeting is to begin and unmute when the Mayor will roll call for Public for Comments.

Call to order/ roll call

Public Hearing on the Tentative Budget for FY 2022

Public Hearing on Ordinance 2021-3 Compensation for the Mayor

Regular Town Meeting

1. Open Public Comment

2. Approval of Minutes: * MBA Meeting ,Public Hearing on the Amend2021 Budget and Regular Town Council Meeting May 19th, 2021.

3. Executive Reports:

- *Water Agent and Water Committee Report - John Groo
- *Roads Committee- M Duncan
- *Planning & Land Use Commission-Colleen Thompson
- *Community Renewable Energy Act-CM Gibson
- *Solid Waste District- Diane Ackerman

*EMS District- Ed Weeks

*Fire District-M Duncan /Chief Drake

*Housing Task Force- M Duncan

*County Economic Advisory Board-M Duncan

* Dark Sky Team- Buck

4. Correspondence: TBA

5. Administrative Matters & Procedures: Town letters, Election Declaration results, Gourd Festival.

NEW BUSINESS

6. Discussion and Possible Action re: Resolution 2021-7 Adopting the Final FY 2022 Budget.

7. Discussion and Possible Action re: Ordinance 2021-3 Providing for Compensation for the Mayor.

8. Discussion and Possible Action re: Resolution 2021-8 Approval of the FY 2022 Certified Tax Rate.

9. Discussion and Possible Action re: Selection of the 2021 Castle Valley Scholarship recipient.

10. Discussion and Possible Action re: Planning and Land Use Commission recommendations re: Nonconforming Fence on Lot 224.

11. Discussion and Possible Action re: HB 82 Single- Family Housing Modifications (Internal Accessory Dwelling units)
<https://le.utah.gov/~2021/bills/hbillenr/HB0082.pdf>
12. Discussion and Possible Action re: Castle Creek Lane Dead Cottonwood tree
13. Discussion and Possible Action re: Amendments to 85-3 designating Land Use Authority for drainage reviews.
14. Discussion and Possible Action re: Event permits.

UNFINISHED BUSINESS- None

15. Closed Meeting (If necessary).

16. Payment of the bills.

ADJOURNMENT

For Meeting Packets go to:

<https://www.utah.gov/pmn/index.html>

Government: select "Cites"

Entity: select "Castle Valley"

Body: select "Town of Castle Valley"

Select this meeting and click on "Download attachments"

ATTACHMENTS A B

Castle Valley Budget / Actual 2020, Adopted 2021, Amended 2021, Proposed 2022		Adopted 1st Amended 2021 Budget		Proposed 2nd Amended 2021 Budget		Proposed 2022 Budget	
Codes	Operating Budget	Amended 2020 Budget	Actual 2020 Budget	ADOPTED 2021 Budget	Adopted 1st Amended 2021 Budget	Proposed 2nd Amended 2021 Budget	Proposed 2022 Budget
	Operating Income	\$ 242,271.65	\$ 263,645.53	\$ 218,647.00	\$ 261,597.00	\$ 267,110.00	\$ 247,100.00
	Tax Revenue	\$ 184,439.25	\$ 195,680.38	\$ 154,882.00	\$ 190,832.00	\$ 194,320.00	\$ 194,400.00
4110	Property Taxes	\$ 128,113.75	\$ 128,506.14	\$ 127,032.00	\$ 127,032.00	\$ 130,000.00	\$ 130,000.00
4111	Current	\$ 125,349.71	\$ 125,349.71	\$ 125,000.00	\$ 125,000.00	\$ 126,400.00	\$ 126,400.00
4112	Delinquent	\$ 2,764.04	\$ 3,156.43	\$ 2,032.00	\$ 2,032.00	\$ 3,600.00	\$ 3,600.00
4150	Sales Tax	\$ 51,212.17	\$ 61,480.65	\$ 25,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00
4175	Misc Tax	\$ 5,113.33	\$ 5,693.59	\$ 2,850.00	\$ 3,800.00	\$ 4,320.00	\$ 4,400.00
4176	Motor Carrier	\$ 755.12	\$ 953.51	\$ 500.00	\$ 900.00	\$ 420.00	\$ 500.00
4177	Fee in Lieu	\$ 2,780.71	\$ 3,162.58	\$ 1,900.00	\$ 1,900.00	\$ 2,400.00	\$ 2,400.00
4199	Other	\$ 1,577.50	\$ 1,577.50	\$ 450.00	\$ 1,000.00	\$ 1,500.00	\$ 1,500.00
	Intergovernmental Revenue	\$ 41,705.54	\$ 51,004.02	\$ 20,500.00	\$ 31,000.00	\$ 31,000.00	\$ 46,000.00
4210	Class "C" Roads	\$ 36,963.55	\$ 45,200.67	\$ 18,000.00	\$ 26,000.00	\$ 26,000.00	\$ 40,000.00
4211	Add Road Tax	\$ 4,741.99	\$ 5,803.35	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00	\$ 6,000.00
4220	Liquor Allotment Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4230	Government Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4299	Cemetery	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Permits and Fees	\$ 3,100.00	\$ 3,100.00	\$ 1,900.00	\$ 2,400.00	\$ 2,190.00	\$ 2,100.00
4310	Water Agreements	\$ 1,045.00	\$ 1,140.00	\$ 500.00	\$ 500.00	\$ 285.00	\$ 500.00
4320	Building Permits	\$ 885.00	\$ 1,040.00	\$ 500.00	\$ 1,000.00	\$ 1,140.00	\$ 100.00
4330	Business Lic/CUP	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 215.00	\$ 1,000.00
4340	Fines	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4350	School Bus Prkg	\$ 300.00	\$ 300.00	\$ 300.00	\$ -	\$ -	\$ 500.00
4399	Other Fees	\$ 670.00	\$ 420.00	\$ 400.00	\$ 700.00	\$ 550.00	\$ -
	Donations/Private Grants	\$ 5,000.00	\$ 5,000.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
4400	Scholarship	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
4420	Other	\$ 2,500.00	\$ 2,500.00	\$ -	\$ -	\$ -	\$ -
4499	pit toilet	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Interest	\$ 8,026.86	\$ 8,861.13	\$ 6,000.00	\$ 3,000.00	\$ 2,100.00	\$ 2,100.00
	Sale of Fixed Assets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Transfer from Genl Fund Balance	\$ -	\$ -	\$ 32,865.00	\$ 31,865.00	\$ 35,000.00	\$ -
	Transfer From Capital Funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

ATTACHMENTS A B

Operating Expenses		\$	190,130.00	\$	177,722.36	\$	218,647.00	\$	261,597.00	\$	267,110.00	\$	247,100.00
5100	Administration												
5110	Payroll & Taxes												
5111	Clerk	\$	59,355.00	\$	56,571.21	\$	67,265.00	\$	71,697.00	\$	63,360.00	\$	81,600.00
5115	Mayor	\$	32,500.00	\$	32,290.72	\$	33,100.00	\$	33,100.00	\$	33,100.00	\$	37,200.00
5119	Other	\$	26,000.00	\$	25,831.72	\$	26,600.00	\$	26,600.00	\$	26,600.00	\$	27,500.00
5120	Office Expenses	\$	6,500.00	\$	6,459.00	\$	6,500.00	\$	6,500.00	\$	6,500.00	\$	9,700.00
5125	Public Notice/ Website	\$	2,000.00	\$	1,733.22	\$	2,000.00	\$	2,982.00	\$	3,500.00	\$	3,500.00
5130	Elections	\$	1,500.00	\$	1,398.88	\$	1,600.00	\$	1,600.00	\$	1,600.00	\$	2,000.00
5135	Programs/Events												
5136	Scholarship	\$	2,500.00	\$	2,500.00	\$	5,000.00	\$	8,000.00	\$	5,000.00	\$	5,500.00
5137	Clean-Up	\$	2,500.00	\$	2,500.00	\$	2,500.00	\$	2,500.00	\$	2,500.00	\$	2,500.00
5139	Other	\$	-	\$	-	\$	-	\$	-	\$	-	\$	3,000.00
5150	Professional Services												
5151	Legal	\$	5,055.00	\$	4,857.84	\$	7,465.00	\$	8,465.00	\$	4,865.00	\$	14,500.00
5152	Appeal Authority	\$	1,500.00	\$	1,318.50	\$	2,000.00	\$	4,000.00	\$	2,000.00	\$	10,000.00
5153	Audit	\$	-	\$	-	\$	1,350.00	\$	1,350.00	\$	-	\$	1,350.00
5154	Database	\$	2,115.00	\$	2,115.00	\$	2,115.00	\$	2,115.00	\$	2,040.00	\$	2,150.00
5160	Dues/Memberships/ Training	\$	540.00	\$	540.00	\$	1,000.00	\$	1,000.00	\$	825.00	\$	1,000.00
5165	Travel	\$	900.00	\$	884.34	\$	1,000.00	\$	2,250.00	\$	995.00	\$	2,500.00
5170	Telephone	\$	800.00	\$	650.15	\$	800.00	\$	1,000.00	\$	-	\$	2,000.00
5175	Insurance/ Bonds	\$	4,100.00	\$	4,103.52	\$	4,300.00	\$	4,300.00	\$	4,300.00	\$	4,400.00
5180	Interlocal Services - Animal Control	\$	10,000.00	\$	8,152.54	\$	12,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00
5199	Other	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
5200	Community Bldg/Lot												
5210	Payroll & Taxes	\$	23,775.00	\$	20,782.25	\$	22,550.00	\$	26,300.00	\$	26,100.00	\$	26,100.00
5260	Cemetery	\$	6,000.00	\$	4,191.78	\$	4,000.00	\$	6,000.00	\$	5,000.00	\$	6,000.00
5261	Payroll												
5269	Other												
5220	Lease/MBA	\$	7,125.00	\$	7,125.00	\$	7,000.00	\$	7,000.00	\$	7,000.00	\$	6,875.00
5230	Utilities	\$	2,000.00	\$	1,505.97	\$	2,000.00	\$	2,000.00	\$	2,000.00	\$	2,000.00
5240	Maintenance Expenses	\$	1,200.00	\$	484.50	\$	2,200.00	\$	3,950.00	\$	3,950.00	\$	4,000.00
5241	Equipment for Community Center	\$	-	\$	-	\$	-	\$	-	\$	800.00	\$	-
5280	Road Shed Loan	\$	7,450.00	\$	7,475.00	\$	7,350.00	\$	7,350.00	\$	7,350.00	\$	7,225.00
5299	Other	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
5290	lot irrigation / related emr / Defibrillator	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-

ATTACHMENTS A B

5300	Planning/ Land Use	\$	9,600.00	\$	8,700.04	\$	5,700.00	\$	11,500.00	\$	11,100.00	\$	11,500.00
5310	Payroll & Taxes	\$	9,600.00	\$	8,700.04	\$	5,200.00	\$	11,000.00	\$	11,000.00	\$	11,000.00
5311	Permit Agent	\$	3,200.00	\$	2,947.41	\$	3,200.00	\$	5,000.00	\$	6,000.00	\$	6,000.00
5312	Clerk	\$	6,400.00	\$	5,752.63	\$	2,000.00	\$	6,000.00	\$	5,000.00	\$	5,000.00
5320	Professional Services	\$	-	\$	-	\$	500.00	\$	500.00	\$	100.00	\$	500.00
5330	Studies	\$	-	\$	-								
5399	Other	\$	-	\$	-								
5400	Water	\$	14,500.00	\$	13,117.18	\$	8,500.00	\$	11,000.00	\$	7,450.00	\$	11,000.00
5410	Payroll & Taxes	\$	2,000.00	\$	1,704.00	\$	2,000.00	\$	4,500.00	\$	2,500.00	\$	4,500.00
5420	Professional Services	\$	3,000.00	\$	2,751.00	\$	2,000.00	\$	2,000.00	\$	450.00	\$	2,000.00
5422	Cemetery Well												
5421	Water Study	\$	5,000.00	\$	5,000.00	\$	-						
5499	Other	\$	4,500.00	\$	3,662.18	\$	4,500.00	\$	4,500.00	\$	4,500.00	\$	4,500.00
5500	Roads	\$	82,900.00	\$	78,551.68	\$	81,100.00	\$	96,100.00	\$	74,100.00	\$	95,400.00
5510	Payroll & Taxes	\$	39,100.00	\$	44,705.81	\$	39,600.00	\$	39,600.00	\$	39,000.00	\$	40,400.00
5511	Road Supervisor	\$	24,500.00	\$	24,178.39	\$	25,000.00	\$	25,000.00	\$	25,000.00	\$	25,500.00
5512	Road Staff	\$	14,600.00	\$	20,527.42	\$	14,600.00	\$	14,600.00	\$	14,000.00	\$	14,900.00
5513	Administrator												
5514	Training	\$	-										
5521	Road Legal	\$	1,500.00	\$	1,475.00	\$	1,000.00	\$	2,000.00	\$	600.00	\$	2,000.00
5520													
5530	Road Equipment	\$	38,200.00	\$	28,281.69	\$	40,000.00	\$	40,000.00	\$	33,000.00	\$	40,000.00
5531	Fuel Oil/ Supplier	\$	10,000.00	\$	8,973.66	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00
5532	Maintenance/ Re	\$	11,000.00	\$	2,516.80	\$	11,000.00	\$	11,000.00	\$	7,000.00	\$	11,000.00
5533	Equipment/Tools	\$	3,200.00	\$	3,112.34	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00
5534	Leased Equipment	\$	14,000.00	\$	13,678.89	\$	14,000.00	\$	14,000.00	\$	11,000.00	\$	14,000.00
5540	Road Maintenance/ Repair	\$	4,100.00	\$	4,089.18	\$	500.00	\$	14,500.00	\$	500.00	\$	10,500.00
5541	Contractors	\$	300.00	\$	289.18	\$	500.00	\$	500.00	\$	500.00	\$	500.00
5542	Weed Control												
	Other- seal equip												
5543	Castle Valley Drive												
5544	Shafer												
5549	Payroll	\$	3,800.00	\$	3,800.00	\$	-	\$	14,000.00			\$	10,000.00
5599	other / shafer	\$	-										
	CVD / chip sealing												
Other		\$	-			\$	33,532.00	\$	45,000.00	\$	85,000.00	\$	21,500.00
Transfers		\$	-										
To General Fund													
To Capital Fund						\$	4,000.00	\$	15,000.00	\$	15,000.00	\$	21,500.00
To Capital Fund/Roads						\$	29,532.00	\$	30,000.00	\$	70,000.00	\$	
SURPLUS		\$	52,141.65	\$	85,923.17	\$	-	\$	-	\$	-	\$	-

[illegible]

**TOWN OF CASTLE VALLEY
DRAFT ORDINANCE 2021-3
(This Ordinance Supersedes Ordinance 2009-3)**

**AN ORDINANCE PROVIDING FOR THE COMPENSATION OF THE MAYOR
OF THE TOWN OF CASTLE VALLEY**

WHEREAS, the office of Mayor of Castle Valley bears numerous responsibilities, including serving as the officer to whom all Town employees report unless otherwise arranged, serving as chief enforcement official of the Town, assuring the timely and effective administration of all Town functions, and

WHEREAS, serving as Mayor requires a significant commitment of time, both during normal working hours and at other times, including during emergencies, and

WHEREAS, the Town of Castle Valley wishes to encourage citizens to seek to hold the office of Mayor without making severe financial sacrifices, and

WHEREAS, the Town of Castle Valley believes that the Mayor should be compensated for his/her efforts as a Mayor.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF CASTLE VALLEY, UTAH THAT:**

1. Repealer: All previous salary or compensation ordinances regarding compensation for the Castle Valley Mayor are repealed.
2. Compensation: The monthly compensation for the Mayor of Castle Valley shall be as follows: \$750.00 per month.
3. Payment: The Mayor will be paid monthly by delivery of a check drawn on the municipal checking account to the Mayor or by mailing the check to the Mayor at his or her home, postage prepaid.
4. Expense Reimbursement: As with all members of the governing body, the Mayor will receive reimbursement for all trips on Town business according to the schedules adopted by the Town.
5. The Compensation will be periodically reviewed and updated via the Public Hearing Budget process.
6. Effective Date: This Ordinance shall become effective upon adoption.

PASSED, ADOPTED AND APPROVED by the Town Council of the Town of Castle Valley, Utah in open session on the 16th day of June, 2021 by the following vote:

Those voting **AYE**:

Those voting **NAY**:

Those **ABSTAINING**:

Jazmine Duncan, Mayor

ATTEST:

Jocelyn Buck, Town Clerk

DRAFT MINUTES
SPECIAL MUNICIPAL BUILDING AUTHORITY (MBA) MEETING, PUBLIC HEARING
ON THE AMENDED FY 2021 BUDGET & THE REGULAR TOWN COUNCIL MEETING
WEDNESDAY, MAY 19th, 2021 AT 6:30 P.M.

Council Members Present: Mayor Duncan and Council Members: Gibson, Hill, Holland and O'Brien.

Absent: None

Others Present: Ron Drake, Colleen Thompson, Norman and Peggy Llewellyn and Lesa Smith.

Clerk: Jocelyn Buck

Call to Order / Roll Call

M Duncan called the Meeting Order at 6:30 PM and delivered the Electronic Meeting Determination

SPECIAL MUNICIPAL BUILDING AUTHORITY (MBA) MEETING

Authorization of annual Town Building CIB loan payment for \$7000.00.

CM Hill motioned to pay the MBA loan payment of \$7000.00, CM O'Brien seconded, motion passed unanimously.

PUBLIC HEARING

Public Hearing on the Amended Budget for FY 2021

Public Comment: None

Regular Town Meeting 6:35 PM

1. Open Public Comment: None

2. Approval of Minutes: 4.21.2021 Regular Town Council Meeting

CM O'Brien motioned to approve the minutes from 4.21.2021, CM Hill seconded, motion passed unanimously.

3. Executive Reports

*Water Agent and Water Committee Report - CM O'Brien reported MAWP has updated their Plan and there are no bylaw changes that would affect Castle Valley. The Council discussed the Governor's executive order declaring a state of emergency due to the drought. CM Holland brought up that in Utah 80 % of the water is used for agriculture. Residential conservation is important but potentially only effects 20 % of use. CM Holland continued that we should consider doing the Isotope Study with our COVID relief money. CM O'Brien contributed the next step is we need to discuss the isotope study with Mark Stilson and Janae Wallace and find out what information we would need out of the isotope study in order to ensure some movement towards closing the aquifer. And there also could be some cost sharing for the Isotope study. Our Water Committee will meet next week and will be working to get this information.

* Roads Committee- M Duncan-Minutes provided. Gritts will be leaving his position of Road Manager in the next couple months. The Road Committee will be considering some changes to the Road Manager's job description and in the meantime the Equipment Operator II position will be posted. We may be able to shuffle positions later depending on applicants and their qualifications.

*Planning & Land Use Commission-Colleen Thompson- Reports provided. No questions.

*Community Renewable Energy Program(C-REP) - CM Gibson reported participants will have their initial meeting with Rocky Mountain Power June 1st.

*Solid Waste District- Diane Ackerman- nothing to report.

*EMS District- Ed Weeks- report provided.

*Fire District-Chief Drake- nothing to report.

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

*County Economic Advisory Board-M Duncan reported the Board will be meeting quarterly.

* Dark Sky Team –Buck reported CM Holland has been working on getting letters of support; so far we have 6-7 good letters. We are now going to ask for letters from residents. Work continues on the Draft Lighting Ordinance and hopefully it will be ready for the PLUC soon.

4. Correspondence: Governor's Drought Executive Order should be sent out on the Town Updates list along with Dark Sky update.

5. Administrative Matters & Procedures: Town letters: CM Holland is working on a letter of comment to the BLM on the Labyrinth Canyon and Gemini Bridges travel routes plan. Council agreed there are a lot of old mining roads throughout the County that should be closed. Buck added that Warren Egbert is working with the Utah Open Lands people to reduce the spread of camping outside of the Climber's campsite area by adding more signage. They are also considering closing "Y" canyon (the next canyon to the east) to vehicle traffic. Reminder the election declaration of candidacy period is by appointment with the Town Clerk June 1-7. Scholarship questions, the Council discussed awarding the scholarship to previous winners and decided they would stay with awarding it to a High School graduate or rolling the money over into the next year. Daystar Academy applicants would be welcome to apply and they do have a candidate this year. Opening CV Library and Town Building: Duncan wanted to get some agreed upon "trigger" points as to when employees and the Community can expect it to open up. Council agreed to wait until the Southeast Utah Health Department advises us and the COVID transmission index is lower in Grand County. CM Hill added we have budgeted money for window screens and air purifiers. Buck's main concern is all the tourist traffic the building (bathrooms) would get.

NEW BUSINESS

6. Discussion and Possible Action re: Hiring a Planning and Land Use Commission Clerk.

M Duncan recommended hiring Jessica Maw for the Planning and Land Use Commission Clerk position. CM Hill motioned to appoint Jessica Maw to the PLUC Clerk position, CM O' Brien seconded, motion passed unanimously.

7. Discussion and Possible Action re: Resolution 2021-4 Adopting the Amended 2021 FY Budget.

Buck had included the wrong older version of the budget in the meeting packet. CM Hill verified these corrected changes to the May 12th version: \$267,110.00 Operating Income and Expenses did not change. Line item adjustments: Database \$ 825.00, Dues/ training \$995.00, Roads Staff \$14,000.00, Leased Equipment \$11,000.00, Roads Training \$1,000.00 and Roads legal \$600.00.

CM Gibson motioned to approve the Amended FY2021 Budget with the fore mentioned line item adjustments. CM O'Brien seconded motion passed unanimously.

8. Discussion and Possible Action re: Resolution 2021-5 Adopting the Tentative 2022 FY Budget.

CM Gibson motioned to approve Resolution 2021-5 Adopting the Tentative 2022 FY Budget, CM O'Brien seconded, motion passed with M Duncan abstaining because the FY2022 Budget would include a salary increase for the Mayor. This increase will require a Public Hearing and Adopting an amended Ordinance next month.

9. Discussion and Possible Action re: Ordinance 2021-2 Complaint Resolution Process and checklist.

M Duncan commented that 3. iii) should be more encouraging for people to provide information documenting violations. CM Hill offered adding the language "the complaint may be more valid if you provide evidence" M Duncan added "a lack of evidence may result in a failed resolution process" CM Gibson did not want to be too discouraging to the Complainant right at the beginning of the process. Council agreed to add language to 3.iii) "a lack of evidence could result in a failed resolution and an unresolved complaint. And time line changes were: # 4 "Within ~~seven (7) days~~ four (4) days following receipt of the forwarded complaint, the Mayor shall appoint two CRB members to determine if an ordinance has been violated. #5 "If the two CRB appointees determine that the violation(s) described in the complaint has (have) been resolved, they will provide the Mayor with a written document within ~~seven (7) days~~ four (4) days describing that resolution, which document shall be signed by all parties. #1 Members of the public was removed from the Complaint Resolution Board pool.

CM Hill motioned to approve Ordinance 2021-3 The Complaint Resolution Process and Uniform Procedure for Ordinance Enforcement; CM O'Brien seconded motion passed unanimously.

10. Discussion and Possible Action re: Payment of CIB Loan for \$7000.

CM Hill motioned to approve \$7000 payment for the CIB Town Building Loan; CM O'Brien seconded the motion passed unanimously.

11. Discussion and Possible Action re: Appointment of Director /Alternate to the Community Renewable Energy Program(C-REP).

M Duncan recommended appointing CM Gibson as the Town's C-REP Director. And an alternate should also be designated from elected officials or staff. The following Resolution was created for those appointments. Resolution 2021-6 A Resolution Appointing a Director Representative to the Community Renewable Energy Program Board CM Gibson is appointed as the Director and Town Clerk Jocelyn Buck is appointed as the alternate.

CM Hill motioned to approve Resolution 2021-6 Appointing a Director and Alternate Representative to the Community Renewable Energy Program Board, CM O'Brien motion passed unanimously

12. Discussion and Possible Action re: American Rescue Plan Funding (ARP) Priorities.

M Duncan explained that we still don't know the actual amount of money we will receive (maybe \$30K) and also the guidelines on how it can be used. We are not sure yet where the Isotope study would fit in those guidelines. CM Holland has been doing some research on ARP and it looks like the funding could be used for infrastructure needs as defined and prioritized by the individual Community. Both the Isotope Study and Pit toilet could definitely fit that criterion. M Duncan still wants to hear from the Water Committee on whether the Isotope Study will really help to get the aquifer closed to further appropriations. The Town has and always will prioritize protecting our water supply whether we use the ARP money or budget revenue for the study. We will need more information. CM Holland will follow up with some questions on guidelines for the Utah League of Cities and Town webinar the next day. Buck added that the repairing the Castle Creek culvert could potentially also qualify for infrastructure funding. CM Hill stated with the last estimate for the pit toilet at \$32,000.00 (which was received a couple years ago) there will not be much extra ARP money even considering the \$10,0000.00 already set aside for the pit toilet. CM Hill believes the pit toilet should be the ARP funding priority because there are no after hours bathroom facilities at the Town Lot or any in the Fire Station. Discussion continued on getting bids for pit toilets, more information on the Isotope Study as well as information on ARP funds and guideline requirements. Item dropped.

UNFINISHED BUSINESS- NONE

13. Closed Meeting (If necessary)

14. Payment of the bills.

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

ADJOURNMENT

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

M Duncan adjourned the Meeting at 8:12 PM

Approved:

Jazmine Duncan, Mayor

Date:

Attested:

Jocelyn Buck, Town Clerk

Date:

Town of Castle Valley

Work Log - Work Type Detail

Between 5/1/2021 and 5/31/2021

WORK TYPE: 001 / Grading

Employee Totals: 37.5 Hours	\$1,217.63
Equipment Totals: 37.5 Hours	\$4,630.00
Grading Total \$5,847.63	

WORK TYPE: 005 / Patching

Employee Totals: 8 Hours	\$259.76
Equipment Totals: 8 Hours	\$480.00
Material Totals:	\$0.00
Patching Total \$739.76	

WORK TYPE: 014 / Equipment Maintenance

Employee Totals: 0.5 Hours	\$10.00
Equipment Totals: 0.5 Hours	\$37.50
Equipment Maintenance Total \$47.50	

WORK TYPE: 015 / Water Road Surface

Employee Totals: 24 Hours	\$480.00
Equipment Totals: 24 Hours	\$1,800.00
Material Totals:	\$0.00
Water Road Surface Total \$2,280.00	

WORK TYPE: 016 / Road Surface Compaction

Employee Totals: 18 Hours	\$360.00
Equipment Totals: 18 Hours	\$1,350.00
Material Totals:	\$0.00
Road Surface Compaction Total \$1,710.00	

WORK TYPE: 018 / Tree Trimming

Employee Totals: 1 Hours	\$26.24
Tree Trimming Total \$26.24	

WORK TYPE: 021 / Rock Removal

Employee Totals: 8 Hours	\$209.88
Equipment Totals: 4 Hours	\$240.00

Rock Removal Total \$449.88

WORK TYPE: 022 / Material Processing

Employee Totals: 1 Hours \$32.47

Equipment Totals: 1 Hours \$60.00

Material Totals: \$0.00

Material Processing Total \$92.47

WORK TYPE: 023 / Materials Hauling

Employee Totals: 1 Hours \$20.00

Equipment Totals: 1 Hours \$60.00

Material Totals: \$0.00

Materials Hauling Total \$80.00

WORK TYPE: 026 / Equipment Repair

Employee Totals: 6.5 Hours \$173.65

Equipment Totals: 6.5 Hours \$817.50

Equipment Repair Total \$991.15

WORK TYPE: 090 / Road Inspection

Employee Totals: 4 Hours \$104.94

Road Inspection Total \$104.94

WORK TYPE: 093 / Road Meeting

Employee Totals: 1.5 Hours \$48.71

Road Meeting Total \$48.71

WORK TYPE: 095 / Other Meeting

Employee Totals: 0 Hours \$0.00

Other Meeting Total \$0.00

WORK TYPE: 997 / Training

Employee Totals: 6 Hours \$120.00

Training Total \$120.00

WORK TYPE: 998 / Administration

Employee Totals: 3.5 Hours \$113.65

Administration Total \$113.65

Report Total \$12,651.91

Town of Castle Valley

Road Work - Employee Detail

Between 5/1/2021 and 5/31/2021

EMPLOYEE: 003 / Mingo Gritts

001 / GRADING

	Hours	Rate	Line Total
5/10/2021 3 / Bailey Lane West	8	\$32.47	\$259.76
5/10/2021 3 / Bailey Lane West	1	\$32.47	\$32.47
5/17/2021 28 / Pace Lane West	5	\$32.47	\$162.35
5/18/2021 28 / Pace Lane West	4	\$32.47	\$129.88
5/25/2021 5 / Buchanan Lane West	0	\$32.47	\$0.00
5/25/2021 5 / Buchanan Lane West	1	\$32.47	\$32.47
5/25/2021 5 / Buchanan Lane West	9	\$32.47	\$292.23
5/31/2021 26 / Miller Lane West	1.5	\$32.47	\$48.71
5/31/2021 26 / Miller Lane West	8	\$32.47	\$259.76

Grading Total Hours: 37.5

005 / PATCHING

	Hours	Rate	Line Total
5/11/2021 22 / Lazaris Lane West	2	\$32.47	\$64.94
5/24/2021 3 / Bailey Lane West	3	\$32.47	\$97.41
5/24/2021 28 / Pace Lane West	3	\$32.47	\$97.41

Patching Total Hours: 8

018 / TREE TRIMMING

	Hours	Rate	Line Total
5/3/2021 6 / Castle Creek Lane	0.5	\$32.47	\$16.24

Tree Trimming Total Hours: 0.5

021 / ROCK REMOVAL

	Hours	Rate	Line Total
5/11/2021 28 / Pace Lane West	4	\$32.47	\$129.88

Rock Removal Total Hours: 4

022 / MATERIAL PROCESSING

	Hours	Rate	Line Total
5/3/2021 44 / Road Shop	1	\$32.47	\$32.47

Material Processing Total Hours: 1

026 / EQUIPMENT REPAIR

	Hours	Rate	Line Total
5/3/2021 44 / Road Shop	0.5	\$32.47	\$16.24
5/17/2021 28 / Pace Lane West	1	\$32.47	\$32.47
5/18/2021 28 / Pace Lane West	2	\$32.47	\$64.94

Equipment Repair Total Hours: 3.5

090 / ROAD INSPECTION

Hours	Rate	Line Total
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5/3/2021 /	1	\$32.47	\$32.47
5/3/2021 /	1	\$32.47	\$32.47

Road Inspection Total Hours: 2

093 / ROAD MEETING	Hours	Rate	Line Total
5/18/2021 /	1.5	\$32.47	\$48.71

Road Meeting Total Hours: 1.5

095 / OTHER MEETING	Hours	Rate	Line Total
5/2/2021 /	0	\$32.47	\$0.00

Other Meeting Total Hours: 0

998 / ADMINISTRATION	Hours	Rate	Line Total
5/3/2021 /	0.5	\$32.47	\$16.24
5/18/2021 /	2	\$32.47	\$64.94
5/31/2021 /	1	\$32.47	\$32.47

Administration Total Hours: 3.5

Mingo Gritts Total	61.5	\$1,996.91
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EMPLOYEE: 004 / Mike Souza

014 / EQUIPMENT MAINTENANCE	Hours	Rate	Line Total
5/3/2021 /	0.5	\$20.00	\$10.00

Equipment Maintenance Total Hours: 0.5

015 / WATER ROAD SURFACE	Hours	Rate	Line Total
5/10/2021 3 / Bailey Lane West	4	\$20.00	\$80.00
5/11/2021 28 / Pace Lane West	1	\$20.00	\$20.00
5/17/2021 28 / Pace Lane West	2.5	\$20.00	\$50.00
5/18/2021 28 / Pace Lane West	2	\$20.00	\$40.00
5/24/2021 28 / Pace Lane West	3	\$20.00	\$60.00
5/24/2021 3 / Bailey Lane West	3	\$20.00	\$60.00
5/25/2021 5 / Buchanan Lane West	4.5	\$20.00	\$90.00
5/31/2021 26 / Miller Lane West	4	\$20.00	\$80.00

Water Road Surface Total Hours: 24

016 / ROAD SURFACE COMPACTION	Hours	Rate	Line Total
5/10/2021 2 / Bailey Lane East	4	\$20.00	\$80.00
5/11/2021 22 / Lazaris Lane West	1	\$20.00	\$20.00
5/17/2021 28 / Pace Lane West	2.5	\$20.00	\$50.00
5/18/2021 28 / Pace Lane West	2	\$20.00	\$40.00
5/25/2021 5 / Buchanan Lane West	4.5	\$20.00	\$90.00
5/31/2021 26 / Miller Lane West	4	\$20.00	\$80.00

Road Surface Compaction Total Hours: 18

018 / TREE TRIMMING

5/3/2021 6 / Castle Creek Lane

Hours

0.5

Rate

\$20.00

Line Total

\$10.00

Tree Trimming Total Hours: 0.5**021 / ROCK REMOVAL**

5/11/2021 28 / Pace Lane West

Hours

4

Rate

\$20.00

Line Total

\$80.00

Rock Removal Total Hours: 4**023 / MATERIALS HAULING**

5/3/2021 14 / Cliffview Drive

Hours

1

Rate

\$20.00

Line Total

\$20.00

Materials Hauling Total Hours: 1**026 / EQUIPMENT REPAIR**

5/17/2021 44 / Road Shop

Hours

1

Rate

\$20.00

Line Total

\$20.00

5/18/2021 44 / Road Shop

2

Rate

\$20.00

\$40.00

Equipment Repair Total Hours: 3**090 / ROAD INSPECTION**

5/3/2021 /

Hours

1

Rate

\$20.00

Line Total

\$20.00

5/3/2021 /

1

Rate

\$20.00

\$20.00

Road Inspection Total Hours: 2**997 / TRAINING**

5/13/2021 /

Hours

6

Rate

\$20.00

Line Total

\$120.00

Training Total Hours: 6**Mike Souza Total****59****\$1,180.00****Report Total****120.5****\$3,176.91**

Town of Castle Valley

Road Work - Roads Summary

Between 5/1/2021 and 5/31/2021

ROAD: /

Employee Total \$397.29

Equipment Total \$37.50

Total \$434.79

ROAD: 002 / Bailey Lane East

Employee Total \$80.00

Equipment Total \$300.00

Bailey Lane East Total \$380.00

ROAD: 003 / Bailey Lane West

Employee Total \$529.64

Equipment Total \$1,805.00

Material Total \$0.00

Bailey Lane West Total \$2,334.64

ROAD: 005 / Buchanan Lane West

Employee Total \$504.70

Equipment Total \$1,905.00

Material Total \$0.00

Buchanan Lane West Total \$2,409.70

ROAD: 006 / Castle Creek Lane

Employee Total \$26.24

Castle Creek Lane Total \$26.24

ROAD: 014 / Cliffview Drive

Employee Total \$20.00

Equipment Total \$60.00

Material Total \$0.00

Cliffview Drive Total \$80.00

ROAD: 022 / Lazaris Lane West

Employee Total \$84.94
Equipment Total \$195.00
Material Total \$0.00

Lazaris Lane West Total \$279.94

ROAD: 026 / Miller Lane West

Employee Total \$468.47
Equipment Total \$1,730.00
Material Total \$0.00

Miller Lane West Total \$2,198.47

ROAD: 028 / Pace Lane West

Employee Total \$956.93
Equipment Total \$2,955.00
Material Total \$0.00

Pace Lane West Total \$3,911.93

ROAD: 044 / Road Shop

Employee Total \$108.71
Equipment Total \$487.50
Material Total \$0.00

Road Shop Total \$596.21

Report Total \$12,651.91

TOWN OF CASTLE VALLEY - PLUC Exceptions Report

Renewal Date Between 5/1/23 And 5/31/23

Lot	Renewal	Approval	Owner	Type	Conditions	Notes	Non-Routine
367	5/7/2023	5/7/2019	Howard P. Renshaw III	TDP		Also owns contiguous 364. Renewed 2021.	☐

TOWN OF CASTLE VALLEY - PLUC Exceptions Report

Renewal Date Between 12/1/2020 And 12/31/2020

Lot	Renewal	Approval	Owner	Type	Conditions	Notes	Non-Routine
332	12/1/2020	12/1/2020	Harold Saunders	Decommission Con		Owner got GC recorded, del to BPA Apr 2021	☐

BPA Report May 2021

Updates on recent applications

Certificate of Occupancy review failed Lot 060 and Lot 046, outdoor lighting issues. I'm in communication with the responsible parties.

—Colleen Thompson
BPA

Roads Department

Sat 6/5/2021 1:31 PM

From: Faylene Roth

To: Jazmine Duncan, Tory Hill, OBrienR@castlevalleyutah.com, Harry Holland, Pamela Gibson

Cc: Town of Castle Valley



Is this a good time to rethink the Roads Department? I know that in the past Grand County was unwilling to enter into an agreement to do annual maintenance on CV Roads. But, different times, different people, different conditions, different situations...why not ask them again. We would still need a small crew to maintain culverts and drainage and emergency repairs, but a Grand County roads crew would already have the expertise and the necessary equipment in working order. Why not give it a thought.

or, are there other private companies that contract out for road work?

Faylene Roth

Lot 93 Bailey

Resolution 2021-7

A RESOLUTION ADOPTING THE FINAL FISCAL YEAR 2022 BUDGET

BE IT RESOLVED by the Town Council, Town of Castle Valley that the attached Final Budget for fiscal year 2021 (attachment A and B) is the true and correct proposed budget approved by the Town Council.

Passed, Adopted, and Approved by the Town Council, Town of Castle Valley in open session on the **16th day of June, 2021** by the following vote:

Those voting AYE: Mayor Duncan, Council Members: Gibson, Hill, Holland and O'Brien
Those voting NAY: None
Absent: None

APPROVED:

ATTESTED:

Jazmine Duncan, Mayor

Jocelyn Buck, Town Clerk

**TOWN OF CASTLE VALLEY
DRAFT ORDINANCE 2021-3
(This Ordinance Supersedes Ordinance 2009-3)**

**AN ORDINANCE PROVIDING FOR THE COMPENSATION OF THE MAYOR
OF THE TOWN OF CASTLE VALLEY**

WHEREAS, the office of Mayor of Castle Valley bears numerous responsibilities, including serving as the officer to whom all Town employees report unless otherwise arranged, serving as chief enforcement official of the Town, assuring the timely and effective administration of all Town functions, and

WHEREAS, serving as Mayor requires a significant commitment of time, both during normal working hours and at other times, including during emergencies, and

WHEREAS, the Town of Castle Valley wishes to encourage citizens to seek to hold the office of Mayor without making severe financial sacrifices, and

WHEREAS, the Town of Castle Valley believes that the Mayor should be compensated for his/her efforts as a Mayor.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF CASTLE VALLEY, UTAH THAT:**

1. Repealer: All previous salary or compensation ordinances regarding compensation for the Castle Valley Mayor are repealed.
2. Compensation: The monthly compensation for the Mayor of Castle Valley shall be as follows: \$750.00 per month.
3. Payment: The Mayor will be paid monthly by delivery of a check drawn on the municipal checking account to the Mayor or by mailing the check to the Mayor at his or her home, postage prepaid.
4. Expense Reimbursement: As with all members of the governing body, the Mayor will receive reimbursement for all trips on Town business according to the schedules adopted by the Town.
5. The Compensation will be periodically reviewed and updated via the Public Hearing Budget process.
6. Effective Date: This Ordinance shall become effective upon adoption.

PASSED, ADOPTED AND APPROVED by the Town Council of the Town of Castle Valley, Utah in open session on the 16th day of June, 2021 by the following vote:

Those voting **AYE**:

Those voting **NAY**:

Those **ABSTAINING**:

Jazmine Duncan, Mayor

ATTEST:

Jocelyn Buck, Town Clerk

Resolution 2021-8

Utah State Tax Commission - Property Tax Division

Tax Rate Summary (693)

ENTITY: 3010 CASTLE VALLEY TOWN

Form PT-693

Rev. 2/15

GRAND COUNTY

Tax Year: 2021

The Board of Trustees for the above special district has set the current year's tax rates as follows:

Purpose of Tax Rate (Code from Utah Code Annotated)	Auditor's Tax Rate	Proposed Tax Rate	Maximum By Law	Budgeted Revenue
10 General Operations §10-5-112	0.001816	0.001816	.007	130,251
Total Tax Rate	0.001816	0.001816	Total Revenue	\$130,251

Those voting Aye:

Those voting Naye:

Absent :

Attested :

Jocelyn Buck

Town Clerk

Certification by Taxing Entity

I, _____, as authorized agent, hereby certify that this statement is true and correct and in compliance with all sections of the Utah State Code relating to the tax rate setting process.

Signature: _____ Date: _____

Title: _____ Telephone: _____

Mailing address: _____

To the town of Castle Valley, Utah;

My name is Joanna Buttery. I am of the 2021 graduating class of Daystar Adventist Academy. I have attended Daystar Academy for three years. I have enjoyed my time here and have come to love this special place. I am grateful for the opportunity to have met the community members and get to know several of them on a personal level. I am thankful to have spent time serving the community through Daystar's outreach program. It is my desire to apply for the 2021 scholarship from the Town of Castle Valley.

My plans are to attend Southern Adventist University in Collegedale, TN to obtain my BS degree in nursing. I plan to study in the field of pediatric nursing. I desire to serve in the NICU (Neonatal Intensive Care Unit). After graduation from college, I plan to work as a NICU nurse for a few years to gain experience and knowledge, then I plan to spend time every year, utilizing my skills to serve in free clinics or on occasional mission trips to help and bless the less fortunate.

Thank you for considering my application.

Sincerely

A handwritten signature in blue ink that reads "JButtery". The signature is written in a cursive, flowing style.

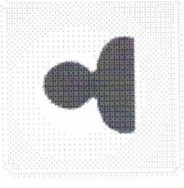
Joanna Buttery

PLUC - Llewellyn Fence Recommendation

Wed 6/2/2021 7:58 PM

From: Julie Baird

To: townclerk@castlevallleyutah.com, Ryan Anderson



Jocelyn - Per our meeting and discussion this evening, the PLUC recommends approval of the application for the 8 foot fence on the west edge of the lot 224. The original exclusionary fencing area contained two 5-acre parcels for a total of 10 acres. This request will reduce the nonconforming area from 10 acres to 5 acres. The exclusionary fencing along the west boundary will prohibit deer from entering lot 224 and damaging the mature trees and grapes. The fencing would also prevent the deer from entering the lot and then not being able to exit the lot due to the exclusionary fencing along the other 3 boundaries.

The original intent behind the exclusionary fencing was to assist with the protection of crops and trees - so this original purpose is being maintained and the non-conforming area reduced. Per Commissioner Whitney, in past arbitrations, the panel has looked favorably upon the reduction of non-conforming use. For these reasons, we recommend approval.

Ryan - Please let me know if I forgot any important details.

Please let the PLUC members or me know if you have any questions.

Julie

Introduction

On May 17, Lot 224 owner Llewellyns applied an agricultural business CUP and an agricultural exemption for an exclusionary fence. Both are moot; the first because a business CUP is not required for agricultural activities, which are expressly permitted in the zoning ordinance, and the second because it no longer exists (as of Sept. 2020).

Lot #224, approximately 5 acres, is surrounded on three sides by a pre-existing exclusionary fence. The remaining side has a shorter fence. The current limit for exclusionary fences is 1 acre with a 50 foot setback from roads. See the attached history of fencing on the two lots for an explanation. Llewellyns wish to convert the fourth side to an exclusionary fence.

The nonconforming fence is the only thing we need to talk about. In the case of nonconforming prior uses, the PLUC is advisory, and sends its recommendation to the Town Council which makes the final decision, per 85-3, Chapter 3.3

Here are applicable sections of Town of Castle Valley ordinances:

85-3

Definitions

NONCONFORMING USE: A use of land that legally existed before its current land use designation, but because of one or more subsequent changes to a Town Land Use Regulation, does not conform to the regulations that now govern the use of the land. A nonconforming use must have been maintained continuously since the time Town Land Use Regulations were enacted or changed to make the land use nonconforming and not abandoned for a period of one year or more.

CHAPTER 6 NONCOMPLYING BUILDINGS AND NONCOMFORMING USES [Entire chapter attached]

ORDINANCE 2003 - 3, AN ORDINANCE ENCOURAGING THE MOVEMENT OF DEER WITHIN CASTLE VALLEY BY LIMITING THE USE OF EXCLUSIONARY FENCING [Entire ordinance attached]

Exceptions to the above are as follows:

- A. Residents may use exclusionary fencing with a maximum height of 8 feet in no more than one acre (43,560 square feet) per five acres.
- B. All exclusionary fencing under A. above shall be a minimum of fifty feet from roads.
- C. Pre-existing fencing as of March 1, 2003, and repair of existing fencing, but not with barbed wire.

Legend

- 4-foot Fence
- Cross Fence
- Orchard
- Septic Tank
- Well

Original 8-ft Fence Lots 223 & 224

Lot 222

Fence Section Removed

Lot 223

Requesting 8-foot fence here

Lot 224

Vineyard

Orchard

Septic Tank

Well

Lot 224 Fence CUE

Request for Exclusionary Fence CUE

May 17, 2021

Exclusionary Fence CUE

Llewellyn- Holliday Farms

224 Miller Lane HC 64 Box 2210

Castle Valley Utah 84532

832-528-9979

Peggy Llewellyn

Original Exclusionary Fence Enclosed - 9.35 acres

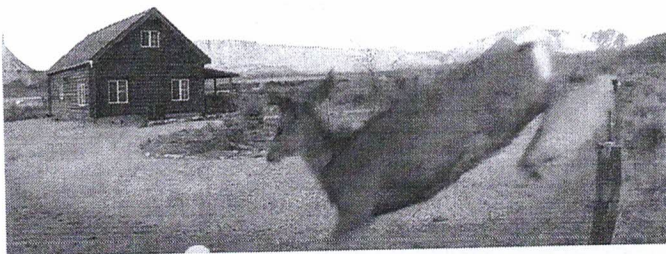
Proposed Exclusionary Fence Enclosed - 4.8 acres.

Request for Exclusionary Fencing for 224 Miller Lot (additional Information)

We purchased 224 Miller Lane as an Existing Commercial Agricultural Property in 2016. The property had a vineyard with 80 mature grapevines and orchard with over 20 mature fruit trees. Lots 224 was managed with Lot 223 as a single farm property, they shared a common well with water rights for agricultural irrigation and had an 8-foot-high fence around that enclosed a total of approximately 10 acres 5 acres from 224 and 5 acres from neighboring lot 223. This fence was to protect the mature orchards and vineyard from deer on Lot 224 and keep deer out of the horse property on 223. We constructed our primary structure in 2017-2019, separated water rights from Lot 223 (filled by owner of Lot 223) with the State and we installed a well in late fall of 2019.

It was our intent when we purchased the property to run a commercial organic farm, called Holliday Farms, Vineyard and Orchards, LLC, where we plan to sell fruit at the local farmers markets. It took us a couple of years to get the property in shape suitable for an active farm. We incorporated our business in 2020, obtaining taxpayer Identification from the IRS in 2020 (see attached and improved incorporation from the State of Utah in December 2020. We sent a request to the Town of Castle Valley in January 2021 for a business license. We plan to start sell products this summer. We also requested fencing EIC but postponed the request until we could be in town to attend the meeting in person. (as required by the EUC).

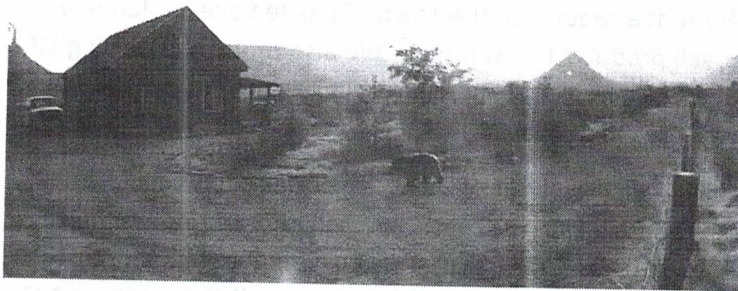
Lot 223 was sold in 2018 to the owners of lot 222. In the winter of 2020, the property owners of Lots 222 and 223 took down the exclusionary fence between Lots 222 and 223. Their lot 222 did not have any fencing. Without the fencing that had been in place for decades, the deer can enter access our property along 4-foot fence between the Lots 223 and 224. Almost all last summer/fall the gate at 223 was left open allowing deer to enter the property The deer have destroyed 3 fruit trees this past year and are damaging our grape vines as well. We are requesting permission to extend the existing 4-foot-high fence along the boundary between Lots 223 and 224 (approximately 600 feet) to 8-foot high. Below are security camera footage of the deer on the property, going over the fence in the winter and the damage they have created to .



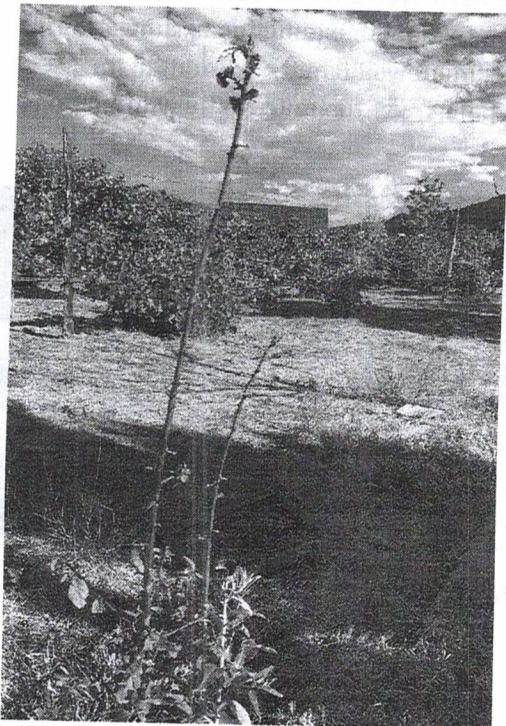
Deer jumping over fence between lots in the fall and winter of 2020.



Deer roaming property and stripping leaves off the grapevines.



Deer are not the only animals accessing the property through the small fence (gates are often left open).



Damage Pear tree stripped of all leaves by deer.

CHAPTER 6 NONCOMPLYING BUILDINGS AND NONCONFORMING USES

6.1 NONCOMPLYING BUILDINGS

A building that legally existed before its current Land Use designation, but which does not currently meet the requirements of all applicable national, state and county building, health, or safety codes and the requirements of this land use ordinance, shall be considered noncomplying.

6.2 NONCOMPLYING BUILDINGS AND NONCONFORMING USES MAY BE CONTINUED

A noncomplying building or structure or a nonconforming use of land may be continued to the same extent and character as that which legally existed on the effective day of the applicable regulations. Repairs may also be made to a noncomplying building or to a building housing a nonconforming use.

6.3 NONCOMPLYING STRUCTURES MAY BE MOVED, ENLARGED OR ALTERED—LIMITATIONS

Except as provided for in Section 5.3.I, no noncomplying structure may be moved, enlarged or altered, except in the manner provided in this section or unless required by law.

- A. Any noncomplying structure may be repaired, maintained, altered or enlarged, except that no such repair, maintenance, alteration or enlargement shall either create any new noncompliance or increase the degree of the existing noncompliance of all or any part of such structure.
- B. A noncomplying structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

6.4 NONCONFORMING USES MAY BE ENLARGED—LIMITATIONS

Nonconforming uses within an existing building or a lot occupied by a nonconforming use may be expanded within the same building or lot in which said nonconforming use is located provided:

- A. That nonstructural changes are made in the building.
- B. That such increase or expansion is required to comply with an order to improve issued by a health or safety official acting in his/her official capacity.
- C. That the Town Council has approved such increase or expansion.

6.5 DAMAGED BUILDING MAY BE RESTORED

A noncomplying building or structure and a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood or other calamity or act of nature, provided that the structure or use has not been abandoned by the owner, may be restored and the building or structure or use of such building, structure or parts thereof may be continued or resumed, provided that such restoration is started within a period of six (6) months from the year of destruction and is diligently prosecuted to completion within one (1) year. Such restoration shall not increase the floor space devoted to the nonconforming use over that which existed at the time the building became nonconforming.

6.6 DISCONTINUANCE OR ABANDONMENT AND RESTORATION

A building or structure or portion thereof or a lot occupied by a nonconforming use which is, or which hereafter becomes abandoned or which is discontinued for a continuous period of twelve (12) months or more shall not thereafter be occupied, except by a use which conforms to the regulations of the zone in which it is located. A noncomplying building or structure or portion thereof which is, or which hereafter becomes abandoned for a continuous period of twelve (12) months or more or that is required by law to be demolished, shall not thereafter be restored or rebuilt, except if restored or rebuilt

to conform to the regulations of the zone in which it is located.

Abandonment may be presumed to have occurred if:

- A. A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the Town regarding an extension of the nonconforming use;
- B. The use has been discontinued for a minimum of one year; or
- C. The primary structure associated with the nonconforming use remains vacant for a period of one year.

The Town may prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure if:

- E. The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six (6) months; or
- F. The property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.

6.7 CHANGE TO A COMPLYING OR CONFORMING USE

Any noncomplying building or nonconforming use which has been changed to a conforming use or complying building shall not thereafter revert back to a noncomplying building or a nonconforming use.

6.8 CHANGE TO ANOTHER NONCONFORMING USE PROHIBITED

A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use within the zone.

CHAPTER 3 LAND USE AND APPEAL AUTHORITY

3.1 DESIGNATION OF LAND USE AUTHORITY

3.1.1 Building Permit Agent

The Building Permit Agent shall act as the Land Use Authority to perform Grade Reviews and Town Drainage Reviews prior to any earth-moving. They shall review and determine whether an application for a Land Use Decision is routine or nonroutine and act on routine requests for a Land Use Decision for routine building permits, routine requests for conditional use permits, routine requests for temporary dwelling permits, routine requests for electrical or solar energy system permits, routine requests for certificates of land use compliance, routine requests for a decommissioning contract, requests for septic permits and requests for certificates of occupancy. The Building Permit Agent shall determine if, upon renewal, a temporary dwelling permit shall require additional conditions for its continued use as a temporary dwelling and refer those that require conditions to the Planning and Land Use Commission. The Building Permit Agent may not deny or condition a routine Land Use Application, but shall deem an application which may be denied or conditioned to be nonroutine. The Building Permit Agent shall deem all Land Use Applications as nonroutine that require advice or other services to the Town by professional parties to properly evaluate its compliance with Town Land Use Regulations and its impact in the zone in which the land use is to be located.

3.1.2 Roads Manager

The Roads Manager shall act as the Land Use Authority to ~~perform Town Drainage Reviews and~~ approve right of way encroachment permit applications.

3.1.3 Planning and Land Use Commission

The Planning and Land Use Commission shall review Land Use Applications and make recommendations to the Town Council prior to the Town Council taking action as the Land Use Authority with regard to all Land Use Applications where the Town Council is the Land Use Authority including applications for nonroutine conditional use permits, subdivisions, and the annual review of conditional use permits.

The Planning and Land Use Commission shall act as the Land Use Authority to act upon requests for a Land Use Decision for nonroutine building permits, temporary dwelling permit renewals that require additional conditions for the continued use of the temporary dwelling, nonroutine requests for electrical or solar energy system permits, nonroutine requests for certificates of land use compliance, or nonroutine requests for decommissioning contracts.

3.1.4 Town Council

The Town Council shall act as the Land Use Authority to review and act upon Land Use Applications related to the following: subdivision approval; nonroutine conditional use permits; review, annual renewal and revocation of both routine and nonroutine conditional use permits; Temporary Accessory Dwellings For Medical Purposes; noncomplying buildings; nonconforming uses; the interpretation of the provisions of Town Land Use Regulations related to permitted and non-permitted uses; lot divisions; and any other Land Use Decision not specifically assigned to another Land Use Authority.

The Town Council shall, by the issuance of a written determination, act as the Land Use Authority regarding the interpretation of the provisions of Town Land Use Regulations and resolve any

<u>Land Use Application</u>	<u>Advise LUA</u>	<u>Land Use Authority</u>	<u>Appeal Authority</u>
Routine Certificates of Land Use Compliance		Building Permit Agent	Appeal Officer
Routine Decommissioning Contracts		Building Permit Agent	Appeal Officer
Nonroutine Building Permits		Planning and Land Use Commission	Appeal Officer
Temporary Dwelling Permit renewals that require conditions		Planning and Land Use Commission	Appeal Officer
Nonroutine Solar Energy System Permits		Planning and Land Use Commission	Appeal Officer
Nonroutine Certificates of Land Use Compliance		Planning and Land Use Commission	Appeal Officer
Nonroutine Decommissioning Contracts		Planning and Land Use Commission	Appeal Officer
Drainage Reviews		~~Roads Manager~~ Building Permit Agent	Appeal Officer
Grade Reviews		Building Permit Agent	Appeal Officer
Land Use Application Fee***			Appeal Officer
Variances		Appeal Officer	District Court

*Land Use Applications include Building Permits, Temporary Dwelling Permits, Electrical and Solar Energy System Permits, Certificates of Land Use Compliance, and Decommissioning Contracts.

**Appeals must be filed within 15 calendar days after the date that a determination is officially made.

***Land Use Application Fees are established by Resolution 2013-1, as amended, and by the Designated Land Use Authority per review of a Land Use Application.

CHAPTER 3 LAND USE AND APPEAL AUTHORITY

3.1 DESIGNATION OF LAND USE AUTHORITY

3.1.1 Building Permit Agent

The Building Permit Agent shall act as the Land Use Authority to perform Grade Reviews prior to any earth-moving. The Building Permit Agent shall share the Land Use Authority, with the Roads Manager, to perform Town Drainage Reviews. They shall review and determine whether an application for a Land Use Decision is routine or nonroutine and act on routine requests for a Land Use Decision for routine building permits, routine requests for conditional use permits, routine requests for temporary dwelling permits, routine requests for electrical or solar energy system permits, routine requests for certificates of land use compliance, routine requests for a decommissioning contract, requests for septic permits and requests for certificates of occupancy. The Building Permit Agent shall determine if, upon renewal, a temporary dwelling permit shall require additional conditions for its continued use as a temporary dwelling and refer those that require conditions to the Planning and Land Use Commission. The Building Permit Agent may not deny or condition a routine Land Use Application, but shall deem an application which may be denied or conditioned to be nonroutine. The Building Permit Agent shall deem all Land Use Applications as nonroutine that require advice or other services to the Town by professional parties to properly evaluate its compliance with Town Land Use Regulations and its impact in the zone in which the land use is to be located.

3.1.2 Roads Manager

The Roads Manager shall act as the Land Use Authority to ~~perform Town Drainage Reviews and~~ approve right of way encroachment permit applications. The Roads Manager shall share the Land Use Authority, with the Building Permit Agent, to perform Town Drainage Reviews.

3.1.3 Planning and Land Use Commission

The Planning and Land Use Commission shall review Land Use Applications and make recommendations to the Town Council prior to the Town Council taking action as the Land Use Authority with regard to all Land Use Applications where the Town Council is the Land Use Authority including applications for nonroutine conditional use permits, subdivisions, and the annual review of conditional use permits.

The Planning and Land Use Commission shall act as the Land Use Authority to act upon requests for a Land Use Decision for nonroutine building permits, temporary dwelling permit renewals that require additional conditions for the continued use of the temporary dwelling, nonroutine requests for electrical or solar energy system permits, nonroutine requests for certificates of land use compliance, or nonroutine requests for decommissioning contracts.

3.1.4 Town Council

The Town Council shall act as the Land Use Authority to review and act upon Land Use Applications related to the following: subdivision approval; nonroutine conditional use permits; review, annual renewal and revocation of both routine and nonroutine conditional use permits; Temporary Accessory Dwellings For Medical Purposes; noncomplying buildings; nonconforming uses; the interpretation of the provisions of Town Land Use Regulations related to permitted and non-permitted uses; lot divisions; and any other Land Use Decision not specifically assigned to another Land Use Authority.

<u>Land Use Application</u>	<u>Advise LUA</u>	<u>Land Use Authority</u>	<u>Appeal Authority</u>
Routine Certificates of Land Use Compliance		Building Permit Agent	Appeal Officer
Routine Decommissioning Contracts		Building Permit Agent	Appeal Officer
Nonroutine Building Permits		Planning and Land Use Commission	Appeal Officer
Temporary Dwelling Permit renewals that require conditions		Planning and Land Use Commission	Appeal Officer
Nonroutine Solar Energy System Permits		Planning and Land Use Commission	Appeal Officer
Nonroutine Certificates of Land Use Compliance		Planning and Land Use Commission	Appeal Officer
Nonroutine Decommissioning Contracts		Planning and Land Use Commission	Appeal Officer
Drainage Reviews		Roads Manager or Building Permit Agent	Appeal Officer
Grade Reviews		Building Permit Agent	Appeal Officer
Land Use Application Fee***			Appeal Officer
Variances		Appeal Officer	District Court

*Land Use Applications include Building Permits, Temporary Dwelling Permits, Electrical and Solar Energy System Permits, Certificates of Land Use Compliance, and Decommissioning Contracts.

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