

MINUTES
PUBLIC HEARING ON THE PROPOSED FY 2023 BUDGET AND THE REGULAR
TOWN COUNCIL MEETING

WEDNESDAY, JUNE 15th, 2022 AT 6:30 P.M.

CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE

Due to concerns regarding the potential spread of COVID-19 this meeting was be held electronically by
Zoom.

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

Absent: CM O'Brien

Others Present: Ron Drake, Colleen Thompson, Jessica Maw, Ken Drogin, Shannon O' Donoghue, Joel Anderson and Anna Banasova

Clerk: Jocelyn Buck

Duncan called the Meeting to Order at 6:33 PM and delivered the Electronic Meeting Determination
M Duncan, Buck, Colleen Thompson and Ron Drake were at the anchor site 2 Castle Valley Drive still testing out the hybrid meeting system.

PUBLIC HEARING

Public Hearing on the Proposed FY 2023 Budget

Public Comment: No Comments

Closed at 6:36 PM

Regular Town Meeting

1. Open Public Comment: Ken Drogin re: Watering Ordinance. Drogin addressed his concerns with the potential for amendments to the Water Ordinance that could limit or prohibit daytime watering. He explained residents on the Ditch have to take turns which means some have no choice but to water during the day. Also he took exception to saying that watering during the day water would only evaporate and not reach the ground. That situation is complicated and depends on sprinkler type and weather conditions. M Duncan told Drogin the Water Committee will be working on amendments to that Ordinance and he should work with them to help craft possible exemptions for people on the Ditch.

2. Approval of Minutes: Regular Town Council Meeting May 18, 2022.

CM Gibson motioned to approve the Minutes from the Regular Town Council Meeting May18, 2022, to include CM Hill's edits; CM Holland seconded motion passed unanimously.

3. Executive Reports:

*Water Agent and Water Committee Report – John Groo/ CM O'Brien -both not present no report this month.

*Roads Committee- M Duncan. CM Hill asked when mowing will begin, M Duncan reported that the mower has been down and will be repaired and operational by next week. After sitting for at least 8 years Honer has got the Loader fixed and running. This piece of equipment will be useful processing material and doing heavier work that the leased Back hoe should not be doing. Also the grader may be getting near to needing a complete engine re-build which considering it's age may or may not be a cost effective solution. We also are looking into options for leasing a grader. The priority grading has been completed.

*Planning & Land Use Commission (PLUC) - Colleen Thompson See Item 9

*Community Renewable Energy Act-CM Gibson updated the Council on the recent press release Utah newspapers have published. The window to join C-REP has closed and 18 of the initial 23 Communities have signed on, this accounts for 25% of Utah's population. A draft of a Low income template plan has been completed for discussion purposes. By statute every Community has to have a low income plan. The draft template includes potential program wide provisions that may allow low income residents to opt out of the program without penalty or give them rate credits. Such options depend on the rate structure of final program design. In addition, each community can have other provisions specific to that community . Given our budget and staffing

limitations, Moab, Grand County and CV may want to work together on a regional Low income plan. Currently, the main Design plan is scheduled to will go to the Public Service Commission in the Fall.

*Fire District-Chief Drake reported the Fire District will hold a 4th of July Parade and Barbecue. The new fire-truck should be finished by the end of August. Drake added the Fire danger in the Valley is now at "Extreme".

4. Correspondence: None

5. Administrative Matters & Procedures: Town Building COVID policy as Grand County is at "Medium" COVID level the Town building is now closed. CM Hill pointed out she knows of at least 10 people in the Valley that have had COVID in the last 2 weeks. Council agreed to have the Building closed until the County COVID level goes back down to "Low". M Duncan will send out the UDOT workshop information to the Council. M Duncan is still working with Dan Vink - RMP to get the flashing blue lights on CV Drive and Shafer shielded. No update on the cause of the multiple electrical blipping that occurred over the last several days. No Town letters to approve this month.

NEW BUSINESS

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

CM Hill motioned to give Ari Child the 2022 CV Scholarship and the Council wished Ari the best of luck.

CM Gibson seconded motion passed unanimously.

7. Discussion and Possible Action re: Appointment to Planning and Land Use Commission.

M Duncan received one letter of interest, which was from Jeff Whitney and she recommended Whitney be re-appointed to the PLUC.

CM Hill motioned to re-appoint Whitney to the PLUC and thanked him for his service, CM Holland seconded, motion passed unanimously.

8. Discussion and Possible Action re: Approval for replacing the Town Building AC fan motor and capacitor \$672.88.

CM Hill motioned to approve replacing the AC fan motor and capacitor for \$672.88, CM Holland seconded, motion passed unanimously.

CM Hill motioned to change the order of business until the stakeholders were present for Item 9, CM Holland seconded, motion passed unanimously

10. Discussion and Possible Action re: Resolution 2022-4 Adopting the FY 2023 Budget.

CM Hill explained she did not know the Certified tax rate when she made the Budget and there is a difference in property tax from \$132,000.00 to \$130,553.00, \$ 1447 will be taken from the General fund surplus to cover that. Also the last column of the Budget spreadsheet is the corrected FY2023 Budget which now includes \$5000 for the Water study.

CM Gibson motioned to approve the FY2023 Budget of \$237,500 which includes the changes for the property tax difference and the Water study, CM Holland seconded, motion passed unanimously.

11. Discussion and Possible Action re: Resolution 2022-5 Adopting the Castle Valley Emergency Operations Plan.

M Duncan explained that the State mandated all Municipalities have a Plan adopted by July 1st. The Plan annexes are separate "fluid" documents are still in progress. CM Hill had 2 minor edits to Section III "occupied to occupies" and Section E "500 gallon propane tanks to 250 gallon propane tanks". Discussion continued on the roles and responsibilities of the Emergency Manager and designees.

CM Hill motioned to adopt Resolution 2022-5 the Castle Valley Emergency Operations Plan with the 2 edits, CM Holland seconded, motion passed unanimously.

9. Discussion and Possible Action re: Lot 260.1 Variance Application Recommendation. (Audio :54:12-2:02) M Duncan stated the PLUC has sent the Council favorable recommendation that the Application be sent on to the Variance Officer. Council was to discuss the Application and make their recommendations to the Variance Officer. CM Gibson had Thompson clarify the setback does not apply to retaining walls. CM Hill had Thompson clarify the original grade was estimated and was hard to document because the building site/pad was created years ago. CM Holland had clarified that the zone referred to in 85-3 Ordinance Ch. 7 is based on land use property types i.e. RAR-1. Therefore all regulations apply to properties within that zone. Joel Anderson (Project Architect) added the Variance application is based on a request unique to Lot 260.1. Anderson stated they are happy to do any additional surveys and/ or

professional staking. CM Holland's concern was that several lots along the rim may be difficult to build on and they may be in the same situation needing a Variance so this case could set a legal precedent. He also questioned if this Variance would even be necessary if the floor plan was smaller. Anderson explained they wanted to try for the Variance before considering a different floor plan. M Duncan continued all property owners in RAR-1 should expect to be able to have a house the size allowed in that zone by the Land Use Ordinance. CM Holland continued that the potential of large developments on lots along the top of the rim side roads will affect Community values stated in the General Plan- i.e. the viewshed, night sky and wildlife corridors. CM Hill and Holland discussed the effects of no winter road maintenance, grading problems and firefighting access and dangers up there. M Duncan and CM Hill agreed property owners have to accept those potential risks. Buck and M Duncan added the bottom line is some of those lots should have never been platted, but they were and now we have to go forward with considering this application within the Variance criteria.

Discussion and review of 85-3 CH 7.1.3 Standards for Variance

CH.7.1.3 2 The Officer may not find an unreasonable hardship: 2a If a hardship is self-imposed or economic. CM Gibson questioned whether wanting to have a larger house is a self-imposed and/or an economic hardship. Anderson did state the size of the house has been reduced and to reduce the size of the house any further would not be acceptable. Thompson added that this lot was created from portions of two other lots and is a very difficult shape to build on without a Variance for the setback. CM Holland clarified the actual variance is for the setback not the size of the house. CM Hill and Holland agreed that to them there were negative visual effects of having large houses up on the rim side but that had no standing regarding this Variance application for a setback.

CM Gibson was still concerned with setting a legal precedent and continued to question whether under 2a is this a self-imposed hardship. Anderson stated that the Variance process is to be specific to this lot and does not set a precedent stating not all the lots up there back up to an escarpment and would require a setback variance. And it is required because of the nature (shape) of the lot and not a self-imposed or economic hardship.

CM Hill motioned to forward the Variance application to the Variance Officer with a favorable recommendation. The motion was dropped for lack of a second.

M Duncan considered the Council was split on this. CM Gibson stated she still has concerns that, if the applicant re-structured the size of the house, the variance would not be needed, which seems to indicate is that this is a self-imposed hardship. M Duncan felt that the size of the house is within what the zoning allows. CM Gibson clarified that the only hardship thus far stated is that they can't build the house they want on that pad without a variance from the setback requirement. Anderson wanted to show the Council what he/they had to work with, due to the shape of the lot. Thompson was curious why they would have bought that particular shaped lot for such a large house and that then could that be considered self-imposed. Did they look at any other lots, because initially they wanted to build an even bigger house but already have made changes to adhere to Town Ordinances. CM Gibson explained she owns a lot up the top Shafer and it that would require a Variance to build even a small house, which is why she bought a place down in the lower valley. Anderson stated that if they have to use another location in order to build on that lot it would require extensive "burrowing" into the back of the property. CM Holland clarified that 400 sq. ft. of the house impinges on the required setback. CM Hill questioned that due diligence was not done prior to buying the lot when they knew they wanted to build such a large house. Thompson and Anderson explained how initially there was some differing information regarding if the setback would apply to BLM land. Maw (Planning and Land Use Agent) added that she has a similar difficult property up the top of Keogh; she did her due diligence on how they could build on the lot without a variance before putting in their offer to buy it. Maw felt due diligence was not done on Lot 260.1. Anna Banasova (property owner) stated their real estate agent called the County and was told the 30' setback did not apply to BLM land. And that they want to build there disturbing as little land as possible that is why they need this Variance.

CM Hill motioned to forward this Variance application to the Variance Officer with an undecided recommendation from the Council. And that he listens to this discussion and to give special consideration

to Ordinance 85-3 CH. 7.1.3 regarding "The Officer may not find an unreasonable hardship 2a If a hardship is self-imposed or economic". CM Gibson seconded, the motion passed unanimously. M Duncan thanked Anderson and Bansova for attending the meeting.

12. Discussion and Possible Action re: Resolution 2022-6 Adopting the Certified Tax Rate.

CM Hill motioned to adopt Resolution 2022-6 the Certified Tax Rate, CM Holland seconded, motion passed unanimously.

13. Discussion and Possible Action re: Approval of the letter to the BLM for De-designation of the road in "Y" Canyon.

CM Holland explained once this letter is submitted to the BLM they may need to do an environmental assessment and/or a public hearing, either way it won't be until the Fall before they work on it. The UOL has already agreed to de-designate their section of the road when the BLM does theirs. This route was never designated as a RS2477 route by the State it just became a 'use designated' route.

CM Gibson motioned to approve the BLM letter, CM Hill seconded, the motion passed unanimously.

UNFINISHED BUSINESS

14. Discussion and Possible Action re: Resolution 2022-3 Adopting the Permit Application and Fee Schedule (tabled).

CM Hill motioned to un-table Item 14 Resolution 2022-3 Adopting the Permit Application and Fee Schedule, CM Gibson seconded, motion passed unanimously.

CM Hill pointed out that in order to build a shed without needing a permit the shed must be a maximum of 120sq. ft. and this requires cutting and wasting materials. She asked in the next 85-3 amendment process if the sq. ft. limit be increased.

CM Hill motioned to adopt Resolution 2022-3 Permit Application and Fee Schedule; CM Holland seconded motion passed unanimously.

15. Discussion and Possible Action re: BLM Listening session Letter (tabled).

CM Hill motioned to un-table Item 15; CM Holland seconded motion passed unanimously.

CM Holland stated that after the public listening session and the field trip with the BLM regarding "Y" Canyon road de-designation a lot of the Town's general concerns were discussed. CM Gibson asked if replacing BLM signs was covered. CM Holland explained we thought a few residents of CV could help with maintaining signage, but since then the local BLM Ranger has been doing it.

16. Discussion and Possible Action re: 2023 Rocky Mountain Power Franchise Agreement (tabled). Left tabled

17 Closed Meeting (If necessary)

18. Payment of the bills.

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

ADJOURNMENT

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

M Duncan adjourned the Meeting at 8:47 PM

Approved:



Jazmine Duncan, Mayor

Attested:



Jocelyn Buck, Town Clerk