

MINUTES
REGULAR MEETING OF THE TOWN COUNCIL,
TOWN OF CASTLE VALLEY
AS WELL AS PUBLIC HEARINGS ON PROPOSED
RESOLUTIONS REVISING THE FY2010 BUDGET AND ADOPTING THE FY2011 BUDGET
AND
PROPOSED AMENDMENTS TO ORDINANCE 85-3: AN ORDINANCE PROVIDING FOR
ZONING IN THE TOWN OF CASTLE VALLEY, UTAH
Wednesday, June 16, 2010

Town Council Members Present: Dave Erley, Aaron Davies, Tory Hill, Brooke Williams.
Absent: Valli Smouse.

Others Present: Mary Beth Fitzburgh, Leta Vaughn, Greg Halliday, Lou Taggart, Faylene Roth, Joan Sangree, Leslie Craig, Laura Cameron, Marie Hawkins, Laurel Hagen, Kitty Calhoun, Jay Smith, Ranna Bieschke, Sherri Simmons, John Hartley.

1. Call to Order: 6:35 P.M.
2. Open Public Comment.

Dave mentioned that he signed the contracts last week for the alternative energy grant for the solar panels, and expects this will be put out to bid in July. He also said that the portion of the grant allocated for equipment to monitor how much power is put back into the grid was refused by the state, so we only received \$37,000 in grant money instead of the original \$40,000.

Dave also said that UDOT will be building a bike path between Goose Island and Lions Park this winter. They have selected the winter to do this work to avoid additional congestion during the tourist season, and are talking about making Route 128 a one-lane road with a stop light. Dave asked if they could work in sections, rather than over the whole length of the section from Lion's Park to Goose Island, and create morning and afternoon time windows to accommodate the Castle Valley commuters and school bus.

Public Hearing on Proposed Resolutions Revising the Fiscal Year 2010 Budget and Adopting the Fiscal Year 2011 Budget.

1. Call to Order: 6:42 P.M.

2. Open Public Comment.

Joan asked a question about the miscellaneous fees. Tory answered her question.

Public Hearing on Proposed Amendments to Ordinance 85-3: An Ordinance Providing for Zoning in the Town of Castle Valley, Utah.

1. Call to Order: 6:47 P.M.
2. Open Public Comment.

Faylene said that she thinks the most important change is to eliminate the sequencing language, and that accessory buildings are really important to the lifestyles in Castle Valley. It also can be a problem for new property owners. In her experience, people do not plan their homes in 1,000 square foot implements. As we rework this ordinance, the properties on the rim sides present unique problems. She would like to see the final solution address those problems.

Faylene also mentioned that the roof overhangs can increase the total square footage by 25 percent. She suggests that no sequencing, counting the height of each building separately, and the two-limit approach in height would give more flexibility, not penalizing people to have a deck as long as it is not enclosed. She further commented that the changes being discussed are tailored to meet real needs.

Joan said that if someone has a permit for a studio but is using the building as a house, then it should be called a house.

Ranna commented that she felt that a 7,000 square foot building that is 19 feet tall, or a 5,000 square foot building that is 25 feet tall still presents a large impact on the viewshed. She agrees with the limits on the size, and feels if the sequencing issue can be made to work that it will best serve the most people.

Kitty Calhoun said that we need something that people can work with, but can also be a compromise.

Mary Beth said that under the current ordinance you could build a 6,000 square foot house that is 19 feet tall and a 5,000 square foot house that is 23 feet tall. The 19 foot limit was chosen because it was closest to the limits that we currently have. So we made two categories instead of four and 19 feet is the mid-point cutoff.

Jim Lindheim was unable to attend the meeting, but asked that Dave read his comments (Attachment A).

Jay Smith said that people should get their homes to blend, and to build responsibly. He felt that the issue is how people are building, not the size of the building(s).

Resumption of the Regular Town Council Meeting:

3. Approval of Minutes:

- ❖ May 19, 2010 MBA Meeting.

Tory motioned to approve the Minutes as presented. Brooke seconded the Motion. Dave, Aaron, Tory and Brooke approved the Motion. The Motion passed unanimously.

- ❖ May 19, 2010 Regular Town Council Meeting.

Brooke motioned to approve the Minutes as amended. Aaron seconded the Motion. Dave, Aaron, Tory and Brooke approved the Motion. The Motion passed unanimously.

- ❖ May 24, 2010 Town Council/PLUC Workshop.

Aaron motioned to table the item. Tory seconded the Motion. Dave, Aaron, Tory and Brooke approved the Motion. The Motion passed unanimously.

4. Reports:

- ❖ Roads (Greg Halliday and the Road Committee)

Joan mentioned that in order to get our B & C road funds, all of the new road signs must be up within two years.

At the last Road Committee Meeting, the Road Committee voted to ask the Town Council to rezone the Town lot so that it can accommodate a 40 feet by 50 feet road shed. They recommend that this be accomplished by rezoning the Town lot to a municipal designation.

Joan has not yet heard back from the county with regard to the snow removal invoice, however she did find out that they charged us for 10 loads of sand. We are hoping for a credit for next year.

Mary Beth asked what the total square footage limit for the total buildout for the Town lot would be in terms of square footage, saying that this would be helpful for the PLUC to know for setting the limit for the Town lot.

❖ PLUC (Mary Beth Fitzburgh)

Mary Beth provided a report for the Red Books. There were no questions.

5. Discussion and Possible Action re: Town of Castle Valley Endorsement of and Participation in the Moab Area Watershed Council (Presentation by Laurel Hagen).

Laurel Hagen made a brief presentation on the advantages of the Town of Castle Valley endorsing and participating in the Moab Area Watershed Council.

Brooke motioned that the Town endorse and participate in the Moab Area Watershed Council. Tory seconded the Motion. Dave, Aaron, Tory and Brooke all approved the Motion. The Motion passed unanimously.

6. Discussion and Possible Action re: Designating a Town Council Liaison to the Board of Adjustments.

Brooke volunteered to be the liaison to the Board of Adjustments. Tory motioned that Brooke be designated as the Town Council liaison to the Board of Adjustments. Brooke seconded the Motion. Dave, Aaron, Tory and Brooke all approved the Motion. The Motion passed unanimously.

7. Discussion and Possible Action re: Construction of a Town of Castle Valley Road Shed.

The Council discussed the need for a shed and the benefits of building one now that will fulfill the Town's needs in the future. It was agreed that we should move forward with plans to build a 40' X 50' shed. This will require a zoning change on the Town lot.

Additionally, the Town will work on a design and layout that would minimize the visual impact of the Road Shed.

Dave talked with Audrey Graham about the situation and she encouraged us to apply for a 50% loan/50% grant from the CIB.

Brooke motioned that we direct the PLUC to pursue a municipal zone change for the Town lot. Aaron seconded the Motion. Dave, Aaron, Tory and Brooke all approved the Motion. The Motion passed unanimously.

8. Discussion and Possible Action re: A Resolution in Support of the Castle Valley Fire District's CIB Grant Proposal for Acquisition of the SITLA Land that the Loop Road Fire Station is on.

Aaron motioned to sign the letter presented by Dave in support of the CIB grant request. Tory seconded the Motion. Dave, Aaron, Tory and Brooke all approved the Motion. The Motion passed unanimously.

9. Discussion and Possible Action re: A Procedure for Transferring a Water User Agreement Upon the Sale of a Property.

Ron Mengel had prepared a transfer form to expedite the transfer of water rights upon the sale of a property.

Brooke motioned to accept the Water User Agreement Transfer Form. Aaron seconded the Motion. Dave, Aaron, Tory and Brooke all approved the Motion. The Motion passed unanimously.

10. Discussion and Possible Action re: Regulation of Mining and Oil and Gas Projects Within the Town of Castle Valley.

The Council agreed with the importance of reviewing the Town's ordinance on mining, to ensure that it will fully protect our aquifer without creating any unintended detriments.

Brooke motioned to direct the PLUC to do more research. Tory seconded the Motion. Dave, Aaron, Tory and Brooke all approved the Motion. The Motion passed unanimously.

11. Discussion and Possible Action re: Appointment of PLUC Members.

Only Eddie Morandi and Marie Hawkins had applied for the two positions opening on July 1, 2010. Both of these candidates are currently PLUC members. Dave recommended that we nominate both Eddie and Marie to retain their positions as PLUC Commissioners. Tory motioned that we accept the nominations for Eddie and

Marie to retain their positions on the PLUC. Brooke seconded the Motion. Dave, Aaron, Tory and Brooke all approved the Motion. The Motion passed unanimously.

Old Business:

12. Discussion and Possible Action re: Resolution 2010-1 - A Resolution Adopting the Fiscal Year 2010 Revised Budget.

Tory motioned to accept Resolution 2010-1 adopting the revised budget for FY2010. Aaron seconded the Motion. Dave, Aaron, Tory and Brooke all approved the Motion. The Motion passed unanimously.

13. Discussion and Possible Action re: Resolution 2010-2 - A Resolution Adopting the 2011 Fiscal Year Budget.

Brooke motioned to adopt Resolution 2010-2 adopting the FY2011 Budget as amended. Aaron seconded the Motion. Dave, Aaron, Tory and Brooke all approved the Motion. The Motion passed unanimously.

14. Discussion and Possible Action re: Resolution 2010-3 – A Resolution of Property Tax Rate.

Tory motioned to table the item. Aaron seconded the Motion. Dave, Aaron, Tory and Brooke all approved the Motion. The Motion passed unanimously.

15. Discussion and Possible Action re: Proposed Amendments to Ordinance 85-3: An Ordinance Providing for Zoning in the Town of Castle Valley, Utah.

Aaron reiterated his opposition to the changes because they did not solve the original problems and he also did not agree with making changes just to benefit specific landowners.

Brooke motioned to accept the changes to Ordinance 85-3 from the working draft submitted by the PLUC dated May 25, 2010. Tory seconded the Motion. Dave, Tory and Brooke all approved the Motion. Aaron opposed. The Motion passed with three in favor, one opposed.

16. Discussion and Possible Action re: Email Procedure.

Left tabled.

17. Discussion and Possible Action re: Town of Castle Valley Posting All Meetings on the State Public Meetings Website.

Left tabled.

18. Discussion and Possible Action re: Appointing Mayor Dave Erley as the Town of Castle Valley's Official Representative to the State of Utah, Division of Water Quality, Watershed Advisory Council for Grand County/Moab Area Watershed Council.

Tory motioned that Dave be appointed as the Town of Castle Valley's Official Representative to the State of Utah, Division of Water Quality, Watershed Advisory Council for Grand County/Moab Area Watershed Council. Brooke seconded the Motion. Aaron, Tory and Brooke all approved the Motion. Dave abstained. The Motion passed with three in favor, one abstained.

19. Discussion and Possible Action re: Appointing Bruce Keeler as an Official Energy Efficiency and Alternative Energy Representative of the Town of Castle Valley.

Brooke motioned that we appoint Bruce Keeler as an Official Energy Efficiency and Alternative Energy Representative of the Town of Castle Valley. Tory seconded the Motion. None in favor, all against. The Motion failed to pass.

Brooke then motioned to appoint Bruce Keeler as the official Energy Information Officer for the Town of Castle Valley with an amended position description. Tory seconded the Motion. Dave, Aaron, Tory and Brooke all approved the Motion. The Motion passed unanimously.

20. Discussion and Possible Action re: Resolution on Roads Committee Recommendations of Areas for "No Winter Maintenance".

Left tabled.

21. Discussion and Possible Action re: Castle Valley Internet Service.

Aaron said that Mike Giles, Frontier's General Manager for Utah informed him that Frontier will purchase and install the equipment necessary to update the internet service in Castle Valley. He anticipates that by August 27, Castle Valley will have the same capacity as Moab.

22. Discussion and Possible Action re: Enforcement Procedures for Violations of the Town of Castle Valley Ordinances.

Left tabled.

23. Payment of Bills.

Tory motioned to pay the bills as presented. Aaron seconded the Motion. Dave, Aaron, Tory and Brooke all approved the Motion. The Motion passed unanimously.

Aaron motioned to adjourn the meeting. Brooke seconded the Motion. Dave, Aaron, Tory and Brooke all approved the Motion. The Motion passed unanimously.

Adjournment: 9:02 P.M.

APPROVED:

ATTESTED:

Dave Erley, Mayor

Denise Lucas, Town Clerk

ATTACHMENT A

Having followed the discussions about the proposed changes to the viewshed protection rules, I have come to believe that one property owner's interests have been the driver of both the substance and the timing of these changes. The proposed changes genuinely seem to solve some problems. But I am concerned that they also blow a major hole in viewshed protection.

Please keep the following in mind as you vote. Right now if someone wants to build a very large house of 7000 square feet, it can only be 15 feet high. If you pass the proposal before you, that house could be 19 feet high. The difference of 4 feet in height for a 7000 square foot house is quite significant from a visual impact point of view. On a 3000 foot -long wall, that's an adds 1200 feet of wall.

I would propose that you simply substitute 16 feet or 17 feet for 19 feet in the draft. That change may not solve one property owner's problem, but it would keep important visual protections in the ordinance. I urge you to protect the interests of the entire community in this matter, not just one or two property owners.