



AGENDA

THE REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

TOWN OF CASTLE VALLEY

WEDNESDAY, DECEMBER 6th, 2023 AT 6:30 P.M.

CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE

This meeting will be a hybrid meeting held electronically by Zoom and also in person at the anchor site the Town Building. If you have comments or concerns for the PLUC please attend or email them prior to the Meeting: townclerk@castlevalleyutah.com or call 259-9828 M-W 9AM-

1PM. Thank you!

PLEASE NOTE: ** HOW TO JOIN THE ZOOM CONFERENCE CALL **

Meeting ID: 660 541 0108 Passcode: 84532

Option 1 Dial-in phone number (US): (253) 215-8782 follow prompts.

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

<https://zoom.us/j/6605410108?pwd=Q05sYm5qQ0lpNIY5TVp2bTU5VnZjQT09>

REGULAR MEETING

CALL TO ORDER

Roll Call

1. Adoption of Agenda

2. Open Public Comment

3. Approval of Minutes:

11.1.2023 Public Information Session and Regular Meeting Minutes

9.6.2023 Regular Meeting Minutes

6.7.2023 Regular Meeting Minutes

4. Reports - Correspondence: TBA

○ Town Council Meeting(s) - Thompson

○ Building Permit Agent Report - Thompson

○ Procedural Matters: PLUC Clerk position open, square footage and setback amended language. General Plan survey timeline/ questions.

NEW BUSINESS

5. Discussion and Possible Action re: Approval of the 2024 Meeting Dates.

6. Discussion and Possible Action re: Approval of Conditional Use Permits and Business Licenses.

UNFINISHED BUSINESS

7. Discussion and Possible Action re: Large scale earth moving permitting (tabled).

CLOSED MEETING - If Needed

ADJOURNMENT

For Meeting Packets go to: <https://www.utah.gov/pmn/index.html>

Government: select "Cities", Entity: select "Castle Valley" Body: select "Town of Castle Valley" Select this meeting and click on Meeting Packet to download.

**DRAFT MEETING MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION
TOWN OF CASTLE VALLEY**

Date: Wednesday, November 1, 2023

Time: 6:30 PM

Anchor Site: CASTLE VALLEY TOWN BUILDING - 2 CASTLE VALLEY DRIVE

Public Information Session on the National Flood Insurance Program and the regular meeting of the Planning and Land Use Commission of the Town of Castle Valley.

Hybrid meeting (Zoom and in person at the Town Building anchor site) was called to order by chairman Ryan Anderson at 6:30 PM. Roll call: in person Ryan Anderson, Colleen Thompson, Jeff Whitney, Adrian Washington, and Town Clerk, Jocelyn Buck; On Zoom Tracie Harrison [FEMA/NFIP rep], Jazmine Duncan, Ron Drake, Les Bolton, Dorje Honer, Marie Hawkins, Bob Lippman and Julie Baird.

Ryan introduced Tracie Harrison, the State Flood Plain Program Manager in the Division of Emergency Management, and mentioned that printed brochures about the National Flood Insurance Program are available at the Town office for anyone who is interested.

Tracie explained that her department works with our community emergency managers to help prepare for, mitigate, and recover from disasters, primarily when it comes to floodplain management and flood risk. The NFIP is a voluntary program, a mutual agreement between the community itself and the federal government (FEMA, the Federal Emergency Management Agency). The state department acts as go-between. She said joining the NFIP is a simple process: we adopt an ordinance, we pass a resolution, and submit an application.

Then the NFIP has a three-step approach:

1. Map the risk. They use scientific information, they do modeling, and then they map the risk in the area. Jamie Huff is the risk map coordinator who works with Tracie. She's secured a grant through FEMA to map Grand County, Emery County, and Carbon County. In the next year she'll be reaching out to communities in those counties and start establishing mapping meetings. If we decide to participate this is the opportunity to get some flood mapping done in our area, which we currently do not have. The community is expected to participate in the mapping meetings, providing feedback on development plans, growth, areas where we experience flooding, or other areas of concern.

2. Tie the risk map into regulations, based on the Federal Code of Regulations for Floodplain Management; this needs to be integrated into our ordinance. These regulations protect property and also protect floodplains as a natural resource.

3. ?

NFIP works by allowing insurance through federally-backed insurance products. If you have a federally-backed mortgage and you are in a special flood hazard area, it will require you to purchase flood insurance. NFIP participants also have access to federal grants and disaster funding in large disaster events. There is a five-year audit to examine our permits and ordinances to make sure we're still in compliance.

Ryan asked if we join, and then find out that we don't need it or want it, can we withdraw? Answer: Yes, that's not a problem, there's no penalty.

Jeff Whitney mentioned that the County mapped Spanish Valley at considerable expense and wanted to confirm the mapping would not cost Castle Valley anything. Tracie confirmed that, and added that Utah mapping is lagging in many areas, and that we should've been offered mapping years ago. She reiterated community participation in the mapping process. We can appeal if we don't like the map, but it must be backed up by engineering or historical data. The appeal itself costs nothing, but collecting the technical information probably would.

Tracie described more detail about the mapping process: first they fly LiDAR to determine the topography. They look for high water marks, use stream gauges, and historical data. After a question from Adrian, she said whether or not we participate in the NFIP, we're going to get mapped, and it's up to us if we want to use the maps in our regulations. The mapping will be public information. If the community joins and then decides not to adopt the maps, we would be sanctioned and lose things like insurance for federally backed mortgages and grant funding.

Tracie: Floods are the costliest natural disaster in Utah and in the United States. Bob Lippman asked about the rationale behind the requirement to buy flood insurance if you're in a flood zone. Tracie explained that it was to save disaster relief dollars and treat the program as more of an insurance program.

Jeff told the history of the mapping in Spanish Valley and Grand County joining the program. He said all the rest of the County with slight exceptions have no maps. They're like Castle Valley, not considered a flood hazard area. But once the map is done, then we are a flood hazard area. Anybody with a mortgage is going to be affected because if they fall within a floodplain, which in Castle Valley could be extensive, the mortgage is going to require flood insurance.

Tracie described several scenarios. 1. If we don't join, and the mortgage company tells a homeowner they must get flood insurance, the homeowner would have to go to private Insurance industry. 2. For a pre-existing home that's in a special flood hazard area and now has a requirement to pay for flood insurance but they don't want to, there is a mechanism for the homeowner to, if they are on natural ground and they're above a

base flood elevation level, they can submit a letter of map amendment, that says this parcel, this homeowner is elevated high enough that they are actually out of the special flood hazard area and therefore FEMA is saying they shouldn't be required to have flood insurance. This is possible because they don't map on a parcel-by-parcel scale. The mortgage company would make the decision whether they would still require insurance.

Les asked if we join, you're not forced to have federal flood insurance unless you have a federal loan, correct? Tracie: if you are mapped in a special flood hazard area AND you have a federally backed mortgage. Les asked about second homeowners. Answer: same requirements for insurance, but if it's a second home there might be some lower coverages or exclusions. Les asked how does the Castle Valley hazard mitigation plan affect the NFIP? Answer: nothing about the NFIP, but a mitigation plan might be required for grant funding. Tracie said she would send a document that will list which FEMA grants require participation and which do not.

Jeff asked if we must have a C of M [what's that?] on staff. Answer: you don't, but you must have a designee, like the mayor, public works director, city engineer, or a consultant engineer.

Jocelyn asked for a synopsis of how we must amend our land-use ordinance in order to join. Answer: we don't need a standalone ordinance, but a separate chapter specific to floodplain management is recommended. There is a draft ordinance that we can utilize that has all the requirements from the Code of Federal Regulations. It specifies where and how you can develop. Tracie gave the example of new (not pre-existing) mobile homes in the special flood hazard area which would require elevating 36 inches above the base flood elevation, and would require anchoring to prevent flotation; propane tank requires anchoring also. They do not require retrofitting pre-existing homes, except in the case of substantial improvements (50% over the value of their structure).

Les asked if there are additional state requirements on top of the NFIP? Answer: not for a development per se, but the state requires permits for stream alterations and the like. Wetlands permits involve the Army Corps of Engineers.

Les asked: other than people who have federal loans, are there any additional requirements that are made for existing structures? Answer: substantial improvements (50% over the value of existing structure) require bringing up to compliance; or rebuilding after a fire that damage more than 50% of the home, and that could include rebuilding the whole house because now they would have to elevate the home and may be adding flood vents or other requirements.

Jocelyn asked about flash floods from slickrock that doesn't always happen in low lying areas. Answer: for it to be considered a flood and covered by flood insurance, it needs to be two or more properties, and it must be overland flooding. Ground water bubbling up is not covered under flood insurance, but mudflows are, for example flooding off of a burn scar, and flash floods are covered, as are backed-up storm drains (or culverts in our case). The LiDAR mapping is not going to take into consideration things like blocked culverts, of course. It won't guarantee your house is safe if you're outside the special flood risk area. It's kind of an estimate, an approximation.

Dorje asked if they consider, or know, the precipitation amount that they usually design for in these maps? Answer: no. She can get the question over to Jamie Huff who does the risk map; she would definitely have that information for us. They use modeling to determine things like that.

Tracie said we can have further conversations if we decide to hold off until the mapping project goes through—we can talk again then. She wants our community to be prepared because there are pros and cons and she doesn't want to sugarcoat anything. There are mechanisms for that homeowner that may be on natural high ground, where they can do the letter of map amendment and maybe get out of having that forced insurance. But that's not a guarantee. So, she's happy to answer questions.

Adrian asked: Phase 1 and Phase 2 mapping, are you doing both phases currently? Answer: each phase has to be funded. The first phase is the LiDAR collection; that one has been funded, as explained. After that Phase 2 would be the hydraulics and hydrology modeling. And then they will produce a preliminary map that they present to the community, show you where we are anticipating seeing flows, and get community input on areas where we want additional study or a more refined look at [Phase 3?] Phase 1 is the one that's funded right now. Adrian: is the timeframe still about 2 to 3 years for all phases? Answer: the LiDAR is probably going to be flown next year. Probably in the spring, because snow on the ground interferes. And then they'll probably start compiling the information. So, the first draft maps, probably within about a year. Then there's a timeframe, because there will be three counties doing this who all have commenting periods and appeal periods. That large of a project, you probably won't see actual physical maps that go effective for maybe 5 to 7 years. However, you can have the best available data to be used in the interim to regulate and do development. But an official map, where your homeowners have to have insurance, probably not for another 5 to 7 years.

Tracie summed up: in the insurance industry we have lots and lots of flood disasters; they're always isolated. We don't get those disaster-area declarations where FEMA comes in and helps our homeowners. And that's why we have the flood insurance policies, because that's where our homeowners are going to be able to be made whole. Federally-backed could be a little bit cheaper than private, sometimes private is better. Planning for risk is important. She will send that additional information for us to distribute to interested parties.

Regular meeting of the Castle Valley Planning and Land Use Commission

Item 1: Julie moved to adopt the agenda as printed. Colleen seconded. All voted Aye.

Item 2: Open public comment. There was none.

Item 3: Approval of the minutes from the public hearing and regular meeting on July 12, 2023. Notes for the two public hearings are verbatim as required. Other subjects were the Dark Sky Lighting Ordinance and the Combined Square Footage amendment, no changes offered. Jeff moved to approve the minutes, seconded by Julie. Marie

abstained; all others voted Aye.

Item 4, Reports. No public correspondence that we are aware of.

- Colleen presented the Town Council report from their October 18 meeting, included in the packet. Discussion about the report: There was a question about the recent emergency alert text messaging test, which apparently does not work over Wi-Fi Calling, even though regular SMS messaging does. The County is looking into that. A comment from Jeff regarding the Community Renewable Energy Program: "I am curious in that we have a resolution that the Town made that we be energy neutral by 2030, and yet the PLUC decided and the Town Council agreed that we would limit solar panels to 10,000 W. We can't do both." Colleen replied (not representing the Town Council) that the technology has come along and we should probably revisit that; some people have mentioned it. There was some cross discussion with people agreeing. Jeff added that you can do a rooftop solar installation with very little visual impact that is far greater than 10 KW, yet we limit it to 10 KW. Colleen pointed out that you can do more, but it's nonroutine. Ryan agreed that it's worth revisiting, and including in the upcoming survey. On the subject of the low water crossings in the Upper 80, Adrian mentioned that the FEMA LiDAR mapping will identify those areas and there may be grants available, if you wait for the mapping. Colleen: but she said 5 to 7 years for the final maps. Adrian: you might be able to use the Phase 1 or Phase 2 mapping but he knows the low water crossings will be identified in the first two phases. Colleen encouraged him to write a letter to the Town Council about that.

- BPA Reports (included in the packet)

- Procedural Matters: Ryan reminded everybody that we are looking for a PLUC Clerk, and the job description is posted on the Town website. Adrian asked if that job could be done remotely. Answer: maybe some, but a physical presence is required a lot of the time.

Item 5, new business. None.

6. Discussion and Possible Action re: Large scale earth moving permitting.

Introduced by Colleen: The Town Council tasked the PLUC with addressing the possible need for a permit for doing earth moving, because there's been at least two recent examples where in one case, vegetation removal, and then another case, actual earthmoving, caused flooding problems for the lot directly below, which is a violation of both state and local ordinance. Dorje and Colleen got the delegated responsibility to try to put this together, trying not to burden people too much. One important part is figuring out a threshold for where a permit would be needed.

Jeff (former building inspector and floodplain administrator) explained that the State Division of Air Quality requires notification when you disturb more than an acre. The County ordinance kicks in at yardage, and is an example of what we could use. Jeff doesn't think that just because there's an issue means that we must have a regulation. But there is a danger on any property that's upstream to somebody else, if you change the drainage, obviously. It can leave your property, or it shouldn't leave your property, at a different location or at a different volume. The County requires mitigation such as a retention basin so the water will leave your property the same way it did before. We might want to design something to ensure that, or to at least have a tool that says if you

affected your neighbor you have to fix it. Jeff gave an example where he was accused of flooding his neighbor's house, but the Division of Water Rights determined that it was just a natural flood and was not preventable. Sometimes we get hit with a storm that, regardless of what you did, is going to flood that adjacent property, so we have to be really careful that we don't create a situation where we're accusing somebody of causing floods. However, we do kind of have an obligation if we issue a permit to make sure that they don't [unintelligible].

Colleen said we already have a drainage review in relation to a building permit, and apparently these older instances happened outside of the building permit process from the start. Jeff agreed that recreational grading happens all the time. We could create an ordinance that ruled on that, or requires a permit at a certain yardage, say 100-200 yards of material would require a permit. Jocelyn commented that this came up because a lot of the lots that are left to develop are topographically challenging, and people can make more usable land by doing massive dirt moving. It may not affect the drainage—it better not because we already have an ordinance. Jeff replied if you move a lot of earth and you create a lot of ground, and it doesn't affect anybody downstream, why do we want to regulate it? Just because we can?

Jazmine said we don't necessarily need to have a permit per se for what we're talking about but we do need some language in there that requires mitigation. Like if you're going to be doing vegetation removal, earth work, you are going to have to mitigate the consequences of that. Whatever that wording necessarily needs to be, such as what the County says about building retention, to slow the water down. Because it's pretty apparent what happens after vegetation removal.

Julie suggested combining these ideas by requiring before-and-after videos or photos if you're going to move a certain amount of dirt, so there's documentation and a requirement to remediate if you've impacted downstream property owners. Maybe there's a way to determine the yardage of dirt that requires this documentation but maybe not rising to the level of a permit.

Dorje said the state has a regulation when you disturb more than an acre of soil, especially regarding stormwater retention and things like that. So some of this might involve the State. Personally Dorje thinks three potential thresholds that make sense are: an acreage of disturbance threshold, a yardage or volume threshold, and proximity to drainages. It's much more of a concern if the soil is getting disturbed in the middle of a drainage versus far away from it.

Colleen said as BPA, she's not in favor of administering even more permits. The thing is, a lot of people just go out there and do recreational grading or vegetation removal without even thinking about what it might do. As a result, when somebody is applying for a building permit, she spends time explaining the Drainage Review, that you can't change the water and how it exits your lot. But if you're not getting a building permit, people just do it. She often wonders about the berms she sees getting put up, which are not regulated aside from the state and local regulations about not changing drainage from your lot.

Colleen said we need to pin the concepts down before we can write actual language, and that's what we're trying to do here. When she was new to the PLUC this same thing came up and nobody wanted to do a permit or regulation for it, so we put language in the ordinance recommending a consultation if you were planning on doing an amount of earth moving—but to her knowledge, not a single person has ever done that. Jazmine said there must be standards that people are going to have to adhere to. Whether we all decide that a permit process is necessary or not, you have to give people some direction.

Dorje thinks that's absolutely necessary; we should probably do some form of two-stage process where there is some regulation just regarding any kind of dirt work that you do and how to deal with it, best management practices, things like that. And then some form of permitting for large-scale projects, say greater than 1-2 acres, because that's almost 50% of your lot getting torn up. He thinks that would be a logical point to have an actual permitting process with potentially some engineering involved to make sure water's not going somewhere else, or it's done stage-wise so not more than a single acre at a time is exposed, or some other thing along those lines.

It's not a good idea to have the permit at such a low threshold that anyone who just wants to fix their driveway has to go through a huge engineering process. It is a good idea to have some regulations saying if you do disturb soil this is how to approach it. We also need some form of kind of retroactive enforcement for things that have happened previously, and we need to be able to come back and remediate them. Because knowing the way things go around here somebody's going to miss the memo and we're going to have to deal with problems after the fact.

Ryan proposed a task force of himself, Dorje, Jeff, and Colleen, to come up with something to present to the Town Council. Jazmine reminded that if we're going to add or change ordinance language it has to go through a public hearing and the PLUC, and asked if we are proposing to come up with some language to run by the Council before holding the public hearing? Ryan confirmed that, with hopes that it could be ready before the next Town Council meeting.

Closed meeting: not needed.

Jeff moved to adjourn the meeting, Colleen seconded, all voted in favor. Ryan adjourned the meeting at 7:56 PM.

Minutes submitted by Colleen Thompson

APPROVED:

ATTESTED:

Ryan Anderson, Chairperson

Date

Jocelyn Buck, Town Clerk

Date

**DRAFT MEETING MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION
TOWN OF CASTLE VALLEY**

Date: Wednesday, September 6, 2023

Time: 6:30 PM

Anchor Site: CASTLE VALLEY TOWN BUILDING - 2 CASTLE VALLEY DRIVE

This was a Hybrid Meeting, held electronically by Zoom and also in person at the anchor site, the Town Building with limited seating.

Chairman Ryan Anderson called the Regular Planning and Land Use Commission Meeting to order at 6:33 PM

PLUC Members present: Ryan Anderson, Colleen Thompson and Julie Baird.

PLUC Members Absent: Jeff Whitney and Marie Hawkins

PLUC Clerk Jessica Maw

Others present: Dorje Honer, Lesa Smith and Jocelyn Buck

1. Adoption of the Agenda

Baird motioned to adopt, Thompson seconded motion passed unanimously.

2. Open Public Comment: None

3. Approval of the July 7, 2023 Public Hearing and Regular Meeting Minutes - Postponed

4. Reports:

Correspondence: None

Town Council Meeting- Thompson reported the Water Advisory Committee has renamed the Water Isotope Study to the Water Budget Study. The purpose of the study will be to track the progress of water through the valley to ultimately determine the safe yield of water from the aquifer or the sustainable amount of potable water the aquifer can produce. The Committee is still waiting on the peer review of previous water studies. Road Department report Honer is working on changing the Town dirt policy. In the past extra dirt fill from cleaning ditches has been stored behind the Road Shed and has been available to residents. There is no longer room for extra dirt back there so Honer is looking at the Town potentially delivering it to residents or making it available elsewhere. The Fire District may have to put up a fence to stop vehicle traffic going around Station one to Shafer Lane. The propane generator has been installed on Lot 13 to run the Fire Department well. Treasurer's Report there was a \$13000 surplus which was rolled over to this year's General Fund. M Duncan is currently working to clarify with the State Division of Forestry, Fire and Land to see if the Town needs a Cooperative agreement with them in addition to the agreement the Fire Department has with the State.

Building Permit Agent- Thompson report one permit issued.

Administrative & Procedural Matters: No updates to Future Town Survey.

Thompson explained she is updating the Town's Septic Permit form to make sure it complies with County regulations and Town Ordinances.

New Business

5. Discussion and Possible Action re: Update to language in Ordinance 85-3 Section 5.7B Grade & Drainage Reviews.

Thompson explained that currently grade and drainage reviews are associated with the building permit process. In the last few months there has been a couple of flooding events caused by other kinds of dirt movement not related to the building permit process. The Council has asked the PLUC to look at a permit process for other large scale earth movement. Honer explained that this situation seems like it could apply to large scale (2 acres) earth movement as well as vegetation removal. State law and the current Town Ordinance states runoff/ drainage cannot be diverted to change how the water leaves a property. Buck expressed this is an urgent matter because most of the lots left to be developed are on steep uneven terrain with multiple drainages and property owners cannot just come in and randomly bulldoze areas to develop without affecting their neighbors. Property owners could be liable for flooding their neighbors. Ideas could be to limit the size of an area on a lot that can be cleared i.e. 25 % or Honer suggested the Town could require some kind of hydrological engineering in those cases. Discussion continued that in order to know there has been violation we would need pictures prior to the new work, an ability to monitor and enforce situations. Lesa Smith stated that she had her property mapped by using a drone. Thompson added that information gained as part of the FEMA flood program the Valley will eventually be LiDAR mapped. And we also we need to take into account the effects of large scale vegetation removal. Anderson asked if having mapping with Google Earth or drone mapping could be part of the permitting process. Buck suggested this should be a primary thing property owners do before they start putting in wells and driveways. Thompson added that is important to get information on whatever is decided out to residents so they are aware of the process/ limitations. Anderson continued Thompson, Whitney and Honer will get together and work on language for an Ordinance or amendments to Ordinance 85-3. Baird motioned to table Item 5, Thompson seconded motion passed unanimously.

Unfinished Business

6. Informational Updates on FEMA Flood Insurance.

Anderson reported that the FEMA Flood Insurance Information Session will be on the November PLUC Agenda. There was discussion on how to best publicize that event.

7. Closed Meeting Not necessary

Adjournment

Baird motioned to adjourn, Thompson seconded motion passed unanimously.

Meeting was adjourned at 7:15 PM.

Minutes submitted by Jocelyn Buck

APPROVED:

ATTESTED:

Ryan Anderson, Chairperson

Date

Jocelyn Buck, Town Clerk

Date

**DRAFT MEETING MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION
TOWN OF CASTLE VALLEY**

Date: Wednesday, June 7, 2023

Time: 6:30 PM

Anchor Site: CASTLE VALLEY TOWN BUILDING - 2 CASTLE VALLEY DRIVE

** Due to concerns regarding the potential spread of COVID-19, this was a Hybrid Meeting, held electronically by Zoom and also in person at the anchor site, the Town Building with limited seating.

Chairman Ryan Anderson read the determination and called the Regular Planning and Land Use Commission Meeting to order at 6:34 PM

PLUC Members present: Ryan Anderson, Colleen Thompson, Jeff Whitney and Julie Baird.

PLUC Members Absent: Marie Hawkins

PLUC Clerk Jessica Maw

Others present: Jazmine Duncan, Faylene Roth and Jocelyn Buck

1. Adoption of the Agenda

Whitney motioned to adopt, Thompson seconded motion passed unanimously.

2. Open Public Comment: None

3. Approval of the Minutes

Thompson motioned to approve the Minutes from May 5, 2023, Whitney seconded motion passed unanimously.

4. Reports:

Correspondence: None

Town Council Meeting- Thompson reported that through a joint Grant from the National Water Monitoring Network the Town will get enough funds for 3 more water monitoring transducers. The Water Advisory Committee will be looking to update the Town's Watering Ordinance. With the PLUC report the Council had briefly discussed how to account for the square footage regarding cantilevers / open parking areas under a house, both CM Hill and CM Gibson stated they thought that square footage should be counted. This is item 6 on our Agenda. Fire District report the Burn window will/ has closed May 31st. The Council decided that an amendment to remove orphaned language about extra livestock from the Fee Schedule was administrative. Item 8 Discussion regarding a letter to Grand County regarding the Small Area Plan (SAP) as it could be related to the Under Canvas (UC) development .Marybeth Fitzburgh presented on behalf of the LaSal Mountain Alliance which has been working with the County on planning tools as it relates to any large developments near our Town. A SAP could put a pause on any overnight accommodations developments until land use impacts have been evaluated. Other tools could be a Future Land Use Plan and/or an Eligibility Map. Grand County has wanted to define campgrounds in Land Use code and would also like input from the Town. The letter asks

to have the Town included in the Land Use and/or SAP process. The Council approved the letter. Another Letter was approved regarding comments to LaSal Manti Forest regarding enlarging the campground at the CV overlook.

Building Permit Agent- Thompson report provided 6 permits issued.

Administrative & Procedural Matters: Discuss Updates to Future Town Survey

Thompson asked if the survey should include questions on house size limits and heights as it has done on previous surveys but reformat the questions phrasing. Whitney commented against too restrictive Land Use Ordinances and spoke to the history of height limitations. Thompson added that it is a fine line between keeping regulations minimal without impinging on neighbors. And the point of the survey is to find out and reaffirm what residents want. Anderson and Baird added that how the questions are crafted is important, there should be a combination of multiple choice and open ended questions. Discussion continued on how to send out the survey and getting help with the survey results statistical analysis.

New Business

5. None

Unfinished Business

6. Discussion & Possible Action: Update to Language in "Definitions: Combined Square Footage "

Thompson as the Building Permit Agent asked for clarification of the ambiguous language in Ordinance 85-3 on how to count square footage under the second floor of a house i.e a carport area or potentially under a deck that has a roof over it. Whitney added the County would count from the outside face of the supporting post to the building. M Duncan cited state code - square footage is the area of any portion of building which is directly under a roof except the exterior area below a roof can only be counted once. Thompson stated that is the ambiguous issue the parking area can be exterior and directly below the roof underneath a house. Should that be counted? Can useable space under a cantilever be counted? Buck commented that if useable space under a structure or cantilever is not counted in the planning stages what is to stop residents from at a later date closing it in and then they would be potential over the allowed square footage. Roth added some history on counting footage from the eaves; it was because of concerns for the potential negative effects on view sheds. Some plans could have had huge covered outdoor areas. If there were 2 stories then only one would be counted. Thompson added that a true cantilever does increase the overall size of a house. The Ordinance does state that if a resident does enclose an area it does increase the square footage and it would also need a building permit. How would we define useable vs unusable space under a building as it may pertain to the slope a house is built on? Buck added that as with all Town Ordinances they should be written so they are enforceable and not so ambiguous that they can't be understood or enforced. Thompson suggested parking or useable space under a supporting structure will be counted. Whitney added that the useable space should be counted if it is at less than a 6% grade. Anderson liked aligning language with State code. Whitney continued that if we adopt the Wildland Urban Interface (WUI) code you can't have an open deck or cantilever especially on a hillside because of the potential fire hazard. Roth added that the height and length of the overhang of the open area should be defined in consideration for how the square footage should be counted. Thompson, Whitney and Roth will get together create and send language to the Council.

Whitney motioned to table Item 6, Thompson seconded motion passed unanimously.

7. Potential Informational Updates on FEMA Flood Insurance.

Anderson reminded members of a FEMA training on flood mapping on Zoom next week. Whitney reiterated that once the FEMA flood mapping is done some people may not be able to get flood insurance and that also means banks won't want to lend money to finance houses without flood insurance. Anderson does want to plan a Fall FEMA information session for the public with Tracie Harrison.

8. Potential Update on Dark Sky Application

Buck explained that after our Application was submitted the International Dark Sky Association (IDA) their review had come back with further requirements/ changes we needed to make to our Dark Sky Ordinance in order to comply with the IDA. Roth, Thompson and Buck explained some of the changes throughout the old Ordinance these changes will be formalized for the PLUC Public Hearing next month. A whole new section has been added to incorporate Public Buildings and Parking lots; they are allowed to have more lumens than the residential limits. IDA required timers to be changed from 10 minutes to 5 minutes. We had to clarify streetlights and lighting on playing fields/courts was a prohibited use. Several of the Ordinance sections will be re-numbered to incorporate changes and additions. Buck encouraged finishing the amendments to the Ordinance for the PLUC Public Hearing in July and then have it ready for the Town Council Meeting in July and re-submit the Application to the IDA in August.

9. **Closed Meeting** not necessary

Adjournment

Anderson asked for a final motion to adjourn. Thompson so moves, seconded by Whitney. Vote to adjourn was unanimous. Meeting was adjourned at 8:12 PM.

Minutes submitted by Jocelyn Buck

APPROVED:

ATTESTED:

Ryan Anderson, Chairperson

Date

Jocelyn Buck, Town Clerk

Date

2024 Meeting Schedule - Town of Castle Valley

These will be Hybrid Meetings held on Zoom and in person at the Town Building unless posted otherwise. Zoom link will be posted on the Agendas

Regular Town Council Meetings

Held at 6:30 P.M. on the 3rd Wednesday of each month.

January 17

February 21

March 20

April 17

May 15

June 19

July 17

August 21

September 18

October 16

November 20

December 18

Planning & Land Use Commission Meetings

Held at 6:30 P.M. on the 1st Wednesday of each month.

January 3

February 7

March 6

April 3

May 1

June 5

July 3

August 7

September 4

October 2

November 6

December 4

Report to PLUC on 11-15-23 Town Council meeting
12/6/2023

There was a presentation by Duncan Fuchise, our Wildland Urban Interface Specialist with the Division of Forestry Fire and State Lands. Because the Town wants to avoid herbicides, they're planning to use mastication with equipment possibly borrowed from the county road department to remove Russian olives from as much of the greenbelt as they can reach. The mastication process results in course mulch. They plan to do it in January when the ground is frozen to improve access.

John Groo reported that the water budget study is actively underway. They're measuring both isotopes and depth levels. He said when he saw the size of the crew and learned exactly what they were doing, he realized we're going to learn more about the aquifer than we've ever known before—they are "literally leaving no stone unturned".

Ron Drake said the burn window will be closing at the end of November.

The kerfuffle about the wedding mess has made it to television and print media, mostly starring Pamela under the inadvertent alias "Pamela Griffin".

The Council approved their meeting dates for 2024. There was mention that when the PLUC votes on their 2024 schedule at the next meeting, it would be possible to choose another day of the week than Wednesday.

The Council approved the Memorandum of Understanding with the Fire District.

The Council then had some discussion about proposed regulation of earth moving, which has come up due to some recent adverse events. Aside from State law and local ordinance forbidding altering the way surface water exits a lot, we currently have no oversight over this type of activity that is not directly related to a building permit application. The task force, working on this had come up with some tentative thresholds to trigger a review and/or a permit, and asked the Council for some direction before proceeding further.

The Community Renewable Energy Program Utility Agreement was finally approved. Castle Valley once again punched above its weight by discovering errors in the agreement that nobody else seemed to have noticed. Kudos to Pamela and Laurie.

—submitted by Colleen Thompson

TOWN OF CASTLE VALLEY - Conditional Use Permits Report

Approval Date Between 11/1/23 And 11/30/23

Approval	Lot	Road	Applicant	Type	Purpose	Business Name	Routine	Perm
11/1/2023	055	Lazaris Lane East	George Holling	Premises Occupation	Music recording studio	Outlaw Music, Inc.	☒	☐

TOWN OF CASTLE VALLEY - Building Permits Report

Approval Date Between 11/1/23 And 11/30/23

Approval Lot	Road	Owner	Type	Purpose	Description	Height	Sq Ft <=19	Sq Ft >19
11/2/2023 045	Lazaris Lane West	LLC, Chonchon	Building	Other	Certificate of Occupanc	0	0	0

1.6 DEFINITIONS

For the purpose of this land use ordinance, certain words and phrases require specific definition of meaning. Words and phrases used in the present tense include the future and the singular word or number includes the plural and the singular. Unless otherwise defined in this Ordinance, all capitalized terms used herein shall have the meaning ascribed to them in the Municipal Land Use, Development, and Management Act at Section 10-9a-103, Utah Code Annotated

Intent

It is the intent of this section in setting forth the understanding of said terms and phrases to facilitate understanding of said terms and phrases in the sense intended by the Town Council.

ACCESSORY STRUCTURE:

A structure that is accessory to, and subordinate to, that of the Dwelling and that is located on the same lot.

AGRICULTURE: The work of producing crops & raising of livestock. (See also definition for livestock)

BASEMENT: That portion of a building which is partially or completely below Finished Grade, provided that Finished Grade is no more than three (3) feet above Existing Grade.

BED & BREAKFAST: A Bed & Breakfast (B&B) is a Single-family Dwelling wherein the residing owners (or lessee) of the residence offer: a: to rent a portion of their home for overnight lodging and b: to serve meals to their overnight guests. In this land use ordinance, Bed & Breakfasts are not permitted.

BUILDING: Any structure built for the support, shelter or enclosure of persons, animals or property of any kind. This definition does not include buildings owned by the Town or by the Fire District.

BUILDING, LINE: A line designating the minimum distance which buildings must be set back from the street or lot line.

BUILDING, MUNICIPAL: A building owned and operated or owned and intended to be operated by a public agency of the United States of America, of the State of Utah or any of its subdivisions, including buildings owned by the Town of Castle Valley and by the Fire District of Castle Valley.

COMBINED SQUARE FOOTAGE: In determining the Combined Square Footage of a building, the floor area of each story of a building shall be included, except that a basement shall not be included in the Combined Square Footage if the ceiling area of 50% or more of the entire basement is less than three feet above finished grade. If the ceiling area of more than 50% of the entire basement is three feet or more above finished grade, the entire basement area shall be included in calculating the Combined Square Footage. The area of any portion of a building which is directly below a roof shall also be included in calculating the maximum Combined Square Footage, except that the exterior area of a building which is directly below a roof shall only be counted once in calculating the Combined Square Footage for buildings of more than one story. Decks and balconies that are not covered by a roof shall not be counted in calculating the Combined Square Footage. The drawings which are identified as Illustrations A1, A2, and B in Section 1.7 of this land use ordinance are included in the definition of Combined Square Footage.

COMPREHENSIVE PLAN: (General Plan) A coordinated plan which has been prepared and adopted for the purpose of guiding development, including but not limited to a plan or plans of land use, resources, circulation, transportation, housing and public facilities and grounds.

CONDITIONAL USE: A use which is specifically permitted by the terms of this Land Use Ordinance after the issuance of a written conditional use permit by the designated land use authority. (See also definitions for Home Occupation, Nonpermanent Conditional Use Permit, Permanent Conditional Use Permit, and Premises Occupation.

DWELLING: Any building that contains one or two legally permitted Dwelling Units. Residing in additional structures, such as, but not limited to, Temporary Dwellings and other temporary structures that cannot be given building permits such as yurts and teepees, is not permitted if another structure is being used as a residence.

DWELLING UNIT: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation (toilet, sink, and approved wastewater disposal system). Yurts, teepees, and other temporary structures that cannot be given building permits are considered Dwellings if used and occupied as a residence. Only one Kitchen as defined in this Land Use Ordinance is allowed per legally permitted Dwelling Unit. Additional Kitchens may be allowed in an Accessory Structure through an approved Conditional Use Permit.

DWELLING, SINGLE-FAMILY: A Dwelling designed for, or occupied by, no more than one (1) family. The term family shall not be construed to mean a group of nonrelated individuals such as a fraternity, club, or institutional group.

? EROSION: The removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

? EROSION AND SEDIMENT CONTROL PLAN: A written plan (including drawings or other graphic representations) that is designed to minimize erosion and sediment runoff at a site during construction or land disturbing activities.

FAMILY DAY CARE CENTER: A Dwelling wherein ordinary care and supervision are provided during customary day-time periods by the resident family to nonrelated person(s). To qualify, said Dwelling must be approved by the State Division of Social Services and other appropriate State agency and the Town Council.

FEEDLOTS: A place of confinement (whether by structures, fences, pens, corrals, or other enclosures) for livestock which allows a large concentration of animals in an area too small for the animals to naturally graze and where the density of animals on the lot exceeds that allowed in this land use ordinance. The primary purpose of such confinement is to provide for the ultimate sale of products from such animals or the animals themselves. In this land use ordinance, Feedlots are not permitted.

FLOOR AREA: The floor area of each story of a building is measured from exterior wall to exterior wall and includes all spaces within that area such as, but not limited to, unfinished spaces, stairwells, closets, and other nonhabitable space that have a ceiling height of five (5) feet or more.

GARAGE, PRIVATE: A building or part thereof designed for the parking or temporary storage of automobiles and/or other vehicles of the occupants of the premises.

GARDENING: The raising of crops, grains, fruit and plants.

GRADE, EXISTING: For sites which have never been disturbed, existing grade is the same as the natural grade which is the elevation of the surface of the ground created through the action of natural forces and has not resulted from human-made cuts, fills, excavation, grading, or similar earth-moving processes. For sites that have existing structures or older disturbances to the land that make natural grade indistinguishable from existing grade, existing grade shall be the ground level established when the existing structure or disturbance was created. Recent or new earth-moving will not necessarily qualify as existing grade and will require a determination from the Building Permit Agent.

GRADE, FINISHED: The elevation where the vertical face of the structure intersects the ground after all man-made cuts, fills, excavation, grading, or similar earth-moving processes have been completed. A window well that is entirely within five feet of an exterior wall of the structure or the stair to a Basement that is entirely within eight feet of an exterior wall of the structure shall not be considered in determining

the Finished Grade. The drawings which are identified as Illustrations D, E, in Section 1.7 of this land use ordinance are included in the definition of Finished Grade.

GRAZING: The act of Livestock eating herbage growing from the ground.

HEIGHT, BUILDING: Building Height is the vertical distance between a horizontal line extending from the highest point of any roof, wall, or parapet and the lower of either 1) the lowest point where the vertical face (or a vertical line extending directly below the vertical face) around the perimeter of the building intersects the Existing Grade or 2) the lowest point where the vertical face (or a vertical line extending directly below the vertical face) around the perimeter of the building intersects the Finished Grade. Building Height does not include chimneys, vents or building mounted or roof-mounted solar photovoltaic panels or modules. The vertical face of the structure includes, but is not limited to walls, foundations, footings, piers, or columns that support a wall. Piers, columns or posts that support a part of the structure that is not enclosed, such as decks or porches, shall not be considered part of the vertical face of the structure when determining height. For structures for which no part is enclosed, such as carports, height shall be measured from the highest point of the structure to the lowest point in the Finished Grade directly below the structure. The drawings which are identified as Illustrations C1 and C2 in Section 1.7 of this land use ordinance are included in the definition of Building Height.

HOME OCCUPATION: An occupation for compensation conducted entirely within a Dwelling. (See also definitions for Conditional Use, Nonpermanent Conditional Use Permit, Permanent Conditional Use Permit, and Premises Occupation).

INTERNAL ACCESSORY DWELLING UNIT (IADU): A Dwelling Unit used as a rental or guest Dwelling Unit, as defined in Utah Code Section 10-9a-530, as amended; and created within the footprint of the one allowed Dwelling per legally platted lot, as described in Chapter 5 Section 10.

JUNKYARD: The use of any lot, portion of a lot, or tract of land for the storage, keeping, dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof; provided, that this definition shall not be deemed to include such uses which are permitted in section 8.2 of this Land Use Ordinance and clearly incidental to any residential or agricultural use, or permitted home or premises occupation.

KENNEL: Any land or building wherein any person engages in the commercial or non-profit business of boarding, breeding, buying, letting for hire, training for a fee, selling or keeping three (3) or more dogs or cats of the age of four (4) months old or older. In this land use ordinance, Kennels are not permitted.

KITCHEN: An area within a building used, or designed or intended to be used, for the preparation of food. Only one Kitchen is allowed per legally permitted Dwelling Unit. Additional Kitchens may be allowed in an Accessory Structure through an approved Conditional Use Permit.

LAND DISTURBING ACTIVITY: Any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

LAND USE APPLICATION: An application that is required by the Town and submitted by a Land Use Applicant to obtain a Land Use Decision. A Land Use Application does not mean an application to enact, amend, or repeal a Land Use Regulation.

LAND USE AUTHORITY: The person or board designated in this land use ordinance to review and act upon a specific Land Use Application. More than one land use authority may be designated by the Town, each with jurisdiction over the specific categories of land use applications designated for its review and action.

LAND USE REGULATION: Any ordinance, law, code, resolution, specification, fee or rule that governs the use or development of land. A Land Use Regulation does not include: a General Plan; a Land Use Decision of the legislative body acting as the Land Use Authority, even if the decision is

expressed in a resolution or ordinance; or a temporary revision to an engineering specification that does not materially increase a Land Use Applicant's cost of development compared to the existing specification or impact a land use applicant's use of land.

LAND USE PLAN: A plan adopted and maintained by the Town Council which shows how the land should be used; an element of the General Plan.

LIVESTOCK: Animals such as cattle, sheep, swine, horses, mules, buffalo, llamas, goats, geese, emus, ostriches, swans, peafowl, turkeys, chickens, ducks and other fowl. This definition does not include domestic pets such as dogs or cats. (See also, definition for Agriculture, Feedlot, and Kennel.)

LOT: A legally platted parcel of land of five (5) acres or more including easements.

MANUFACTURED/MOBILE HOMES: A structure constructed according to the HUD/FHA mobile home construction and safety standards, manufactured after June 16, 1976, transportable in one or more sections, which in the traveling mode, is eight (8) feet or more in width or is forty (40) or more feet in length, and when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a Dwelling with or without a permanent foundation when connected to the required utilities and erected and installed according to HUD approved guidelines. Roof load requires twenty-five (25) psf. roof load and wind load of fifteen (15) psf. All manufactured/mobile homes shall possess necessary building permits as required by the Town of Castle Valley and Grand County.

NONCOMPLYING BUILDING: A building, structure or portion thereof that legally existed before its current land use designation; and because of one or more subsequent changes to Town Land Use Regulations, does not conform to the setback, height restrictions, or other regulations excluding those regulations which govern the use of land. A noncomplying building or structure must have been maintained continuously since the time the Town Land Use Regulation was enacted or changed to make the building or structure noncomplying and not abandoned for a period of one year or more.

NONCONFORMING LOT OF RECORD: A parcel of land which does not conform to the area, frontage and/or width requirements for a zoning lot, but which was shown on the records of the county recorder as a legally platted independent lot, on original subdivision plat, prior to the effective date of a Town Land Use Regulation.

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.

NONPERMANENT CONDITIONAL USE PERMIT: A conditional use permit for a nonpermanent use of land as listed in section 4.5. Nonpermanent conditional use permits do not run with the land and must be renewed each year. (See also definitions for Conditional Use, Home Occupation, Permanent Conditional Use Permit, and Premises Occupation.)

NONROUTINE APPLICATION: A Land Use Application that is not routine; is expressly identified as nonroutine according to this Land Use Ordinance; or that may be sufficiently unique as to 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 it to be located.

NURSERY, BOTANICAL: A place where trees and other plants are raised for transplanting or for sale.

NURSERY, DAY-CARE: A home or building in which children are tended or kept for compensation. A nursery, day-care does not provide overnight accommodations for such children as does a foster home or orphanage.

PERMANENT CONDITIONAL USE PERMIT: A conditional use permit for a permanent building or structure as listed in section 4.5. Permanent conditional use permits run with the land and transfer to the

new owners automatically and are not required to be renewed each year. (See also definitions for Conditional Use, Home Occupation, Nonpermanent Conditional Use Permit, and Premises Occupation.)
PERSON: An individual, corporation, partnership, association, trustee or other legal entity.
PREMISES: A zoning lot together with buildings and structures located thereon.
PREMISES OCCUPATION: An occupation for compensation conducted on a lot and/or within one Accessory Structure in addition to a Dwelling situated on the same lot. (See also definitions for Conditional Use, Home Occupation, Nonpermanent Conditional Use Permit, and Permanent Conditional Use Permit.)

PRIMARY DWELLING: For the purposes of an Internal Accessory Dwelling Unit, a Primary Dwelling is a Dwelling that is occupied by the owner of record as the primary residence, as recognized by the Grand County Assessor.

PUBLIC PARKS AND PLAYGROUNDS: Shall mean a tract of land which is owned by the public and which has been partially or totally improved, developed or designated for recreational purposes.

RENTAL DWELLING UNIT:

A Dwelling Unit that is available to be rented, leased, or hired out for a period of thirty (30) days or longer.

ROOF: Anything that covers a building or structure.

ROUTINE APPLICATION: A Land Use Application that involves uses expressly permitted by Town Land Use Regulations in the zone in which the land use is located, and does not require the imposition of conditions.

SETBACK: The shortest distance between the outside surface of the foundation, wall or main frame of a building, septic system or well, to the legally platted street easement line, side property line or back property line.

SHORT-TERM RENTAL: Rental of property or improvements on property for a period of less than thirty (30) days to a person or persons not residing in the Town of Castle Valley. The Short-term Rental of property as defined herein is a commercial use of property. In this land use ordinance, Short-Term Rentals are not permitted.

SIGN: A publicly displayed board bearing advertising or information.

SOLAR ENERGY SYSTEM: a system of solar photovoltaic panels or modules and their ancillary equipment that relies upon sunshine as an energy source and is capable of collecting, distributing and storing (if appropriate to the technology) the sun's radiant energy. A solar energy system includes, but is not limited to, ground-mounted, pole-mounted, roof-mounted and building-mounted photovoltaic panels or modules, and light pole and electric charging station-mounted solar panels or modules.

STORY: That portion of a building included between the surface of a floor and the ceiling next above it that is five (5) feet or more in height.

SURFACE WATER: streams, other watercourses, lakes and reservoirs; or stormwater runoff, snow melt runoff, surface runoff, street waters related to street maintenance, infiltration and drainage.

TEMPORARY ACCESSORY DWELLING FOR MEDICAL PURPOSES (TAD): A recreational vehicle, park trailer, or HUD approved single-wide manufactured home to be used exclusively for immediate family members who are certified infirm, or for caregivers who are assisting the occupants of the main Dwelling who are certified as infirm.

TEMPORARY DWELLING: A manufactured mobile unit (other than a mobile home) designed and permitted by its manufacture as a temporary residence for travel, recreational, and vacation use, including recreational vehicles such as: travel trailers, park trailers, camp trailers, motor homes, truck campers and vans and installed as a Dwelling and occupied for any length of time, i.e. intermittent

occupancy or long-term residency. A travel trailer shall not require special highway movement permits when towed on public highways, and shall not exceed eight (8) feet in width of forty (40) feet in length. A park trailer shall not exceed an area of 400 square feet. The unit must be self-contained or attached to a septic system approved by the Local Health Department. A Temporary Dwelling is considered a Dwelling. Only one Dwelling is permitted on a legally platted lot in the Town (except that an unused recreational vehicle may be stored while not in use).

TOWN COUNCIL: The Castle Valley Town Council, which includes the Mayor and Council members.

UNNECESSARY HARDSHIP: A general restriction placed upon a lot with respect to setback or area where, by reason of exceptional narrowness, shallowness, shape, land condition or topography of such lot, a literal enforcement of the general restrictions would result in an unfairness to the owner compared to the owners of other lots in the same zone and/or which literal enforcement would be unnecessary in order to achieve the intent of the zone. The hardship shall not have been created by an act of any property owner.

UPDES: The Utah Pollution Discharge Elimination System, which is the state/national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Clean Water Act.

VARIANCE: A waiver or modification of a setback, an area requirement or height requirement of Town Land Use Ordinances, as distinguished from a conditional use, to be determined by the Appeal Authority.

WATERCOURSE: A permanent or intermittent stream or other body of water, either natural or manmade, which gathers or carries surface water, including catch basins.

CHAPTER 5 BUILDING AND LOT REQUIREMENTS

5.1 MINIMUM LOT SIZE

The minimum lot size for the RAR-1 Zone is five (5) acres, easements included.

The minimum lot size for the RG-15 Zone is fifteen (15) acres, easements included.

5.2 SETBACK REQUIREMENTS

The Land Use Authority may require an applicant to submit a topographical drawing prepared by a registered land surveyor or civil engineer identifying all property lines, road easements and required setbacks if deemed necessary to verify that the setback requirements in this section are met.

A. For all buildings, including municipal buildings, water wells, solar energy systems and other alternative energy structures, above ground water cisterns, above ground metal shipping containers, portable sheds, and septic systems, setbacks shall be fifty (50) feet from a platted public street easement line.

B. The setbacks for solar energy systems and other alternative energy structures, above-ground water cisterns, above-ground metal shipping containers, portable sheds, and all buildings (except for those listed in subsection E below), including municipal buildings, shall be thirty (30) feet from the property line between contiguous lots.

C. Water wells shall be located at least fifty (50) feet from the property line between contiguous lots and at least 100 feet from any existing septic system.

D. Septic systems shall be located at least fifty (50) feet from the property line between contiguous lots and at least 100 feet from any existing water well.

E. Barns, corrals, pens, coops, sheds, and other Accessory Structures for the keeping of livestock shall be located at least 70 feet from property lines between contiguous lots and a least 100 feet from any existing Dwelling on a neighboring lot or parcel.

5.3 BUILDING AREA AND HEIGHT LIMITS

A. Except for municipal buildings, the combined square footage of all buildings located on a legally platted lot shall not exceed 7,000 square feet.

B. The combined square footage of all municipal buildings located on a legally platted lot shall not exceed 9500 square feet.

C. No building or addition to an existing building, including municipal buildings, shall exceed twenty-five (25) feet in building height except as provided for in Subsection H of this section.

D. Except for municipal buildings, no more than 5,000 square feet of combined square footage on a legally platted lot shall exceed a building height of nineteen (19) feet tall.

E. Except for new additions to existing buildings, the highest point of the structure determines building height for all of the combined square footage of that building. The highest point of a new addition to an existing building determines the building height for all of the combined square footage of that addition.

F. All buildings, including agricultural buildings, on a legally platted lot are included in the maximum combined square footage except one or two Accessory Structures as provided in section G.

G. No more than two Accessory Structures on a legally platted lot may be excluded from the calculation of the maximum combined square footage if the excluded building or buildings are each no more than 120 square feet in area and no more than twelve (12) feet in building height, when measured from finished grade.

H. Buildings on a legally platted lot that were erected, or for which a complete building permit application was submitted, before May 13, 2008 and which do not comply with the provisions of Section 5.3 may continue in use as noncomplying buildings.

I. The owner of property upon which is erected a building which is noncomplying under Subsection H because of the building height, may make one addition that exceeds 25 feet in height to that building, provided that the one addition: does not exceed the building's existing maximum height; does not exceed a maximum height of thirty (30) feet; and does not exceed 500 square feet. No addition shall be allowed under this Subsection I which would increase the combined square footage of the building affected by the addition to more than 5,000 square feet.

5.4 EVERY BUILDING TO BE ON PLATTED LOT

All buildings, whether for Dwelling or accessory use, shall be located and maintained on a legally platted lot in the Town of Castle Valley.

5.5 ONLY ONE SINGLE-FAMILY DWELLING PER PLATTED LOT

Repeated Town surveys regarding owners' and residents' preferences have continually supported limiting the number of Dwellings per lot and protecting the Town's rural character and drinking water quality. The purpose of limiting the number of Dwellings per legally platted lot is to protect the Town's drinking water supply by reducing septic density and to protect the rural character and sense of open space in the Town.

Only one (1) Single-family Dwelling which contains one (1) Dwelling Unit and one (1) Internal Accessory Dwelling Unit as defined in this Land Use Ordinance shall be located and maintained on a legally platted lot in the Town of Castle Valley. One (1) Temporary Accessory Dwelling for Medical Purposes (TAD), as provided for in Chapter 4 of this Land Use Ordinance, may also be located on a legally platted lot in the Town of Castle Valley along with one (1) Dwelling. One Temporary Dwelling may be located on a legally platted lot with a new Dwelling under construction, along with a Decommissioning Contract, as provided for in Chapter 4 of this Land Use Ordinance. A new Dwelling may be constructed on a legally platted lot already containing an existing Dwelling along with a Decommissioning Contract, as provided for in Chapter 5 of this Land Use Ordinance.

Residing in additional structures, such as but not limited to, Temporary Dwellings and other temporary structures that cannot be given building permits such as Yurts and Teepees, are not permitted if another structure is being used as a residence. Only one structure is allowed per legally platted lot that contains all of the following: facilities for living/sleeping, food preparation, bathing and sanitation (toilet, sink, and approved wastewater disposal system). Yurts, teepees and other temporary structures that cannot be given building permits are considered Dwellings if used and occupied as a residence. Only one Kitchen as defined by this Land Use Ordinance is allowed per legally permitted Dwelling Unit. Additional Kitchens may be allowed in an Accessory Structure through an approved Conditional Use Permit. The intent of the regulations in this section is to prevent guest houses, apartments, duplexes, mother-in-law apartments, or other construction creating more than one Dwelling per legally platted lot and to prevent Short-term Rentals, all of which are prohibited.

5.6 APPROVAL REQUIRED FOR LOT DIVISION

To preserve the rural characteristic of the Town of Castle Valley through low density development and the health standards of the Town of Castle Valley through reasonably spaced water and septic systems, approval by the Town Council will be required before any legally platted lot in the Town can be divided. Such a division will only be considered for the purpose of adding the divided sections to existing lots of five (5) acres (including easements) or more, and no remnant will be less than five (5)

acres (including easements). A Lot Line Adjustment (Boundary Adjustment) that does not create a new additional lot is not a Lot Division, and therefore does not require review or approval by the Town Council pursuant to sections 10-9a-523 and 10-9a-524, et seq., UCA. Combining two or more legally platted lots into one legally platted lot requires review and approval from the Town Council and shall not be allowed if it makes a property noncompliant with any Town Land Use Regulations such as the maximum square footage limit per legally platted lot. Property owners are required to give the Town notice after any Boundary Adjustment has occurred along with a copy of any surveys performed.

5.7 ALL BUILDINGS AND SOME LAND DISTURBING ACTIVITIES MUST BE PERMITTED

The Building Permit Agent or the Planning and Land Use Commission shall not issue Town Approval for any building permit to construct, repair, reconstruct or alter any building, or to move any building onto a lot unless it fully conforms to all Town Land Use Regulations in effect at the time of application.

A. All buildings constructed in, reconstructed in, altered in, or moved into the Town, whether for Dwelling or accessory use including metal shipping containers and portable sheds, and unless exempted from building permit requirements under the provisions of state statutes related to buildings that are not located in residential areas and which are used solely in conjunction with agriculture use, and not for human occupancy, must have land use approval from the Town Designated Land Use Authority and, if required, a permit from the Grand County Building Inspector before commencing the construction or moving process.

B. Grade Reviews by the Building Permit Agent must be completed prior to commencing any human-made cuts, fills, excavation, grading or similar earth-moving process to prepare any building site, septic system and associated plumbing, pad, foundation, driveway or removal of a structure. This includes earth-moving processes to prepare pads (dirt or concrete) used for permanent or temporary structures. Additional Grade Reviews are required prior to each new earth-moving process, even if a previous Grade Review was completed on a different area of the lot.

A Grade Review shall determine and establish existing grade prior to earth-moving processes used to prepare a site for future construction or moving a structure on to a lot. For sites that have never been disturbed, existing grade shall be the same as natural grade which is the elevation of the surface of the ground created through the actions of natural forces that have not resulted from human-made earth-moving processes.

When existing structures or older disturbances to the land make natural grade indistinguishable from existing grade, existing grade shall be the ground level established when the existing structure or disturbance was created. Recent or new earth-moving will not necessarily qualify as existing grade and will require a determination from the Building Permit Agent as part of the Grade Review. If necessary, the Building Permit Agent may require an estimation of pre-development topography prepared by a registered land surveyor or civil engineer to make a determination of existing grade.

C. ~~Drainage~~ A Land Disturbance Review ~~Reviews~~ must be completed in order to obtain Town approval for a Building Permit Application. A Land Disturbance Review ~~Drainage Review~~ shall ensure that no changes are made to any wash, drainage, or waterway on the lot in a way that affects the exit point from the lot of the surface water or the concentration of discharge at that point. Land Disturbance Reviews ~~Drainage Reviews~~ expire in 12 months. If a Land Disturbance Review ~~Drainage Review~~ occurs more than 12 months prior to a complete Building Permit Application being submitted, a new Land Disturbance Review ~~Drainage Review~~ shall be required prior to Town approval.

~~D. While Grade Reviews and Drainage Reviews are not required prior to earth moving work performed in landscaping or gardening, property owners are encouraged to have these reviews to establish existing grade. Pursuant to Town Ordinance 95-6, it is not permitted to alter the exit point from the lot of surface water or the concentration of discharge at that point. A Land Disturbance Review or Land Disturbance Permit may be required prior to earth moving work, including devegetation, as described in Town Ordinance 95-6 Section 1.3.~~

E. All road easement encroachments must receive written approval by the Town's Roads Manager through the approval of a right of way encroachment permit application prior to commencing any work within a Town road easement.

F. All applications for a Town Land Use Decision shall follow the Town Building Permit Process as provided in Ordinance 95-6. Land use approval shall not be issued for a building or other Land Use Application that does not comply with all applicable Town Land Use Regulations.

G. A building permit for a permanent structure that is intended, or designed to be built, used, rented, or leased out to be occupied, or that is occupied for living purposes shall be approved provided that the permanent structure contains complete independent living facilities for living, sleeping, eating, cooking, and sanitation.

H. Buildings that are exempt from the building permit requirements because they are intended to be used solely in conjunction with agricultural use as provided in Subsection A must still comply with all provisions of Town Land Use Regulations. No such building shall be constructed or moved into the Town until a certificate of land use compliance has been obtained from the Designated Town Land Use Authority.

5.8 ALL PERMANENT BUILDINGS SHALL BE ON APPROVED FOUNDATIONS

All buildings constructed in or moved into the Town that are intended for permanent habitation or accessory use shall be built or placed on and attached to a site-built, permanent foundation which meets the currently adopted codes and amendments under the Utah State Rule 156-56 of the Utah Uniform Building Standards Act regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings or structures. If the Dwelling is a manufactured home, it must meet the most recent ICBO Guidelines for Manufactured Housing Installation.

5.9 CONVERSION OF EXISTING DWELLING TO AN ACCESSORY BUILDING

If a new Dwelling is to be constructed on a lot already containing an existing Dwelling, a legally binding contract between the property owner and the Town must be signed and recorded guaranteeing that the existing Dwelling will be decommissioned thirty (30) days after occupancy of the new Dwelling, before a building permit for the new building containing a Dwelling can be obtained. Conditions shall be placed by the Planning and Land Use Commission through nonroutine decommissioning contracts to affect the decommissioning of the existing Dwelling and conversion to an Accessory Structure. These conditions may include: removal of some of the fixtures, facilities, and plumbing that are part of what defines a Dwelling Unit in this land use ordinance such as the removal of circuits, or abandonment of both ends of the circuit, and gas line stubs used for cooking facilities, all the way to the attic or the crawl space; a statement of the intended new use; and guarantee that the building

**TOWN OF CASTLE VALLEY, UTAH
ORDINANCE 95 - 6 AMENDED**

**AN ORDINANCE OF THE TOWN OF CASTLE VALLEY REGARDING THE
BUILDING PERMIT AND OTHER LAND USE PERMIT PROCESSES**

**(This Ordinance dated January 16th 2019 amends and supersedes any earlier dated
Ordinance 95-6)**

WHEREAS, the Town of Castle Valley (“the Town”) has an Interlocal Agreement with Grand County (“the County”) regarding Building Inspection Services wherein the Town reviews and approves building plans, electrical system plans, and solar energy system plans for their compliance with the Town’s Zoning regulations before the County can issue a building permit for such plans, and

WHEREAS, the Town also has legal and liability issues in relationship to property owners who construct buildings, electrical systems, and solar energy systems on their lots, and

WHEREAS, changes to washes, drainages or waterways on individual lots may adversely impact town roads, ~~and~~ other public infrastructure, and neighboring properties, and

WHEREAS, the Town has occasion to change its zoning regulations, and must also make changes in its regulations and forms in order to remain in compliance with changes in County law, Utah State law and case law relating to zoning and building, and

WHEREAS, the Town needs to have a building and land use permit process which is clear and effective in meeting all these needs; therefore

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE VALLEY, UTAH:

SECTION 1: SIGNED FORMS AND AGREEMENTS REQUIRED: The Town will have a Castle Valley Building Permit Information Sheet and other Land Use Applications which specify the submissions, forms, and agreements which the Town requires in order to gain Town Zoning Approval on the Grand County Building Permit Application form for submission to the County, or to oversee Land Disturbing Activity that might affect drainage of surface water.

1.1 Building Permits. Unless determined inapplicable by the Designated Land Use Authority, the signed documents and information listed below are required in order to attain Town Approval for a building permit to construct, repair, reconstruct or alter any building, to move any building onto a lot, or for any other project that requires a Grand County Building Permit. Required submission documents and information may be determined inapplicable by the Designated Land Use Authority only if deemed unnecessary in order to properly evaluate and ensure a Land Use Application’s

compliance with Town Land Use Regulations and its impact on the zone in which the land use will be located.

- a. A Castle Valley Building Permit Information Sheet (initialed and signed by applicant).
- b. An approved Septic Application signed for the Town of Castle Valley
- c. . When plumbing is present, a copy of the final approved and signed South East Utah Health Department Application for Onsite Waste Water Review including all attachments such as the required property map.
- d. Building plans with all the information specified in the Castle Valley Building Permit Information Sheet except for those items determined to be inapplicable by the Designated Land Use Authority for the Land Use Application being applied for (signed by property owner, and, if relevant, the building contractor).
- e. A Single Dwelling Acknowledgment Form (signed by applicant).
- f. Short-Term Rentals Prohibited Acknowledgement Form (signed by applicant).
- g. A Geologic Hazards Release Agreement (signed by applicant)
- h. A Drainage Review Form~~Land Disturbing Preliminary Review~~ as described in Section 1.3 of this Ordinance (signed by the -Roads Manager or other designated official that shall expire after 12 months unless a complete Building Permit Application is submitted to the Town within that period).
- i. (Where applicable) An Acknowledgment and Release Agreement for lots without legal access (signed by applicant).
- j. (Where applicable) A Temporary Dwelling Permit.
- k. (Where applicable) A Decommissioning Contract. No portion of the decommissioned building shall be buried on the property or elsewhere within the Town as further provided for in Ordinance 96-1 - Watershed Protection and Ordinance 85-3, as amended. All decommissioned material shall be properly stored on the property or shall be promptly removed from the property to a place of safe and legal disposal, after which the site and/or building, as applicable, must be returned to its preexisting condition.
- l. (Where applicable) An approved Right of Way Encroachment Permit signed by the Roads Manager or other designated official.
- m. (Where applicable) A Grade Review to determine existing grade prior to any earth-moving signed by the Building Permit Agent or other designated official.
- n. (Where applicable) A topographical drawing prepared by a registered land surveyor or civil engineer if deemed necessary by the Designated Land Use Authority to determine compliance with setbacks or to determine existing grade or an estimation of pre-development topography.
- o. Any additional information and signed documents deemed necessary in order to properly evaluate and ensure a Land Use Application's compliance with Town Land Use Regulations and its impact on the zone in which the land use will be located.

1.2 Electrical and Solar Energy System Permits. Electrical Permits are necessary only when no other construction work is being done. Otherwise, they are included as part of a building or remodel permit and not independent of it. Solar Energy System Permit Applications must always be submitted independent of construction work being done.

Unless determined inapplicable by the Designated Land Use Authority, the signed documents and information listed below are required in order to attain Town Approval for an Electrical Permit Application or a Solar Energy System Permit Application. Required submission documents and information may be determined inapplicable by the Designated Land Use Authority or the Building Permit Agent only if deemed unnecessary in order to properly evaluate and ensure a Land Use Application's compliance with Town Land Use Regulations and its impact on the zone in which the land use will be located.

- a. A completed Castle Valley Electrical Permit Application or Solar Energy System Permit Application along with submission of all information specified in the Application. If electricity (including solar electricity) is being installed or upgraded to supply an existing building for the first time, a statement of change of use may be required if deemed applicable by the Designated Land Use Authority.
- b. Electrical system Applicants must submit 3 complete copies of the Electrical Plan as submitted to the Grand County Building Department.
- c. Solar Energy System Applicants must submit approval of an interconnection agreement from the local electric utility company to the Town in order to gain Town approval on systems connected to the grid.
- d. Solar Energy System Applicants must submit 3 complete copies of the Grand County Residential Solar Photovoltaic (PV) System Plan Review as submitted to Grand County Building Department with the attachments as listed on the Town's Solar Energy System Permit Application.
- e. (Where applicable) A Grade Review to determine existing grade prior to any earth-moving signed by the Building Permit Agent or other designated official.
- f. Any additional information and signed documents deemed necessary in order to properly evaluate and ensure a Land Use Application's compliance with Town Land Use Regulations and its impact on the zone in which the land use will be located.

Copies of these forms and agreements as they exist at the time of this Ordinance are attached to this Ordinance for information purposes.

1.3 Land Disturbing Activity, Preliminary Review and Permit

Preliminary Review. Any Building Permit Application is required to have a Preliminary Review by the Roads Manager or other designated official. Any planned Land Disturbing Activity that meets one or more of the following thresholds is required to have a Preliminary Review by the Roads Manager or other designated official:

- a. Area of $\frac{1}{2}$ acre (21,800 square feet) or more.
- b. Within a 10-foot proximity of a watercourse (as defined in Ordinance 85-3).

- c. Moving or disturbing 50 cubic yards of material or more.

Upon completion of the Preliminary Review, the Roads Manager or other designated official may determine that a Land Disturbance Permit is required.

Land Disturbance Permit. Every person or entity shall be required to obtain a Land Disturbance Permit in the following cases:

- a. Land Disturbance of 1 acre or more; Utah licensed engineering required if greater than 2 acres.
- b. Engaging (crossing or changing) a watercourse.
- c. Moving or disturbing 100 cubic yards of material or more; Utah licensed engineering required if greater than 2,000 cubic yards.
- d. If in the determination of the Roads Manager or other designated official a permit should be required because of other circumstances directly relevant to the intent of protecting property from changes in drainage.

? Mitigations or other conditions may be imposed/requested by the Roads Manager or other designated official as a part of the Land Disturbance Permit.

Signed forms and other submission requirements to be determined.

Exemptions from the Land Disturbance Permit requirement:

- a. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
- b. Existing agricultural operations conducted as an allowed use.
- ?c. Minor residential landscaping, as long as Town rights-of-way and adjacent property owners are not adversely affected.

SECTION 2: The content of the forms and agreements listed in Section 1 may be amended as deemed necessary by the Planning and Land Use Commission to keep them compatible with Town Land Use Regulations, Grand County regulations, Utah state law, and evolving case law. Changes in content will be reported to the Town Council.

SECTION 3: Additional forms and agreements may be required as directed by the Town Council or as deemed necessary by the Planning and Land Use Commission to assure compliance with Town Land Use Regulations, and Grand County regulations, Utah state law, and evolving case law. Such additional forms and agreements will be reported to the Town Council.

SECTION 4: All road easement encroachments must receive written approval by the Town prior to any work being done within a Town road easement. Town approval of road easement encroachments shall take the form of the signature of the Town's Roads Manager on the right of way encroachment permit application. Town Approval for a

permit for a new building or addition may be denied if any changes have already been made to any wash, drainage or waterway on the lot in a way that affects the exit point of surface water or the concentration of discharge at that point, as determined by a drainage review.

SECTION 5: In order to determine existing grade, a Grade Review by the Town's Building Permit Agent must be completed prior to commencing any human-made cuts, fills, excavation, grading or similar earth-moving process to prepare any building site, septic system and associated plumbing, pad, foundation, driveway or removal of a structure and provisions as further provided for in Chapter 5 of Ordinance 85-3, as amended.

SECTION 6: APPROVAL OF BUILDING PERMIT APPLICATIONS, ELECTRICAL OR SOLAR ENERGY SYSTEM APPLICATIONS AND OTHER LAND USE APPLICATIONS:

- a. The Town Building Permit Agent is the Designated Land Use Authority for approving routine Building Permit Applications, routine Electrical and Solar Energy System Permit Applications, and other routine Land Use Applications as designated in Ordinance 85-3, as amended and shall consider approval for a complete application. The Building Permit Agent shall determine if an application is complete and determine applicable submission requirements prior to review. Town approval of a routine Building Permit Application, a routine Electrical or Solar Energy System Permit Application, and other routine Land Use Applications shall take the form of the signature of the Town Building Permit Agent on the Grand County Building Permit Application Form.
- b. The Castle Valley Planning and Land Use Commission is the Land Use Authority for approving nonroutine Building Permit Applications, nonroutine Solar Energy System Permit Applications, and other Land Use Applications as designated in Ordinance 85-3, as amended and will consider approval of a complete application at their next regularly scheduled meeting. If determined nonroutine by the Building Permit Agent, the Building Permit Agent shall also determine if an application is complete and determine applicable submission requirements for the Planning and Land Use Commission and their review of the Land Use Application. Town approval for Land Use Applications for which the Planning and Land Use Commission is the Land Use Authority shall take the form of the signature of the Planning and Land Use Commission Chair on the appropriate Land Use Application Permit form after an affirmative majority vote by the members of the Planning and Land Use Commission present at an Open Public Meeting.
- c. The Town Council is the Land Use Authority for approving Building Permit Applications related to noncomplying buildings, nonconforming uses and Temporary Accessory Dwellings for Medical Purposes and other Land Use

Applications as designated in Ordinance 85-3, as amended and will consider approval of a complete application at their next regularly scheduled meeting after a recommendation for action from the Planning and Land Use Commission. The Building Permit Agent shall determine if an application is complete and determine applicable submission requirements for the Town Council's review, prior to the Planning and Land Use Commission's initial review of the Land Use Application and their recommendation for action to the Town Council. Town approval for Land Use Applications for which the Town Council is the Land Use Authority shall take the form of the signature of the Mayor on the appropriate Land Use Application Permit form after an affirmative majority vote by the members of the Town Council present at an Open Public Meeting.

- d. Unless a specific requirement is determined inapplicable by the Designated Land Use Authority, a valid Building Permit or other Land Use Application Permit can be issued only after the completion of all requirements as specified in the Building Permit Information Sheet, all requirements as specified on the Application form for the specific Land Use Permit being applied for, the payment of all required fees, and the approval by the Designated Land Use Authority. The Building Permit Agent shall, in a timely manner, determine whether the Land Use Applications listed in this Ordinance are complete for the purposes of subsequent, substantive land use authority review. After a reasonable period of time to allow consideration of a Land Use Application, the Land Use Authority shall approve or deny each complete Land Use Application with reasonable diligence.

SECTION 7: REVOCATION OF TOWN BUILDING PERMIT APPROVALS:

- a. Grand County Building Permit Application forms must be signed by the Designated Castle Valley Land Use Authority and then the Grand County Building Department (also by the Local Health Department if there is a septic system) to be a complete and valid permit.
- b. Town Approval of a Building Permit Application, an Electrical System Permit Application, or a Solar Energy System Permit Application will be revoked and become invalid if, within six months of receiving Town Approval, the Applicant has not received a completed Building Permit, Electrical Permit or Residential Solar Photovoltaic System Plan Review (PV Plan Review) from the Grand County Building Department with all fees paid. If the Town's Approval is revoked on this basis, the fee paid to the Town will not be refunded. If the applicant wishes to start the application process again, new forms must be filed and a new fee must be paid.
- c. If the County revokes a completed Building Permit, Electrical Permit or PV Plan Review for any reason, the Town's Approval is also revoked. If the applicant wishes to revive such an application, the applicant must begin anew the application process with the Town. In such an instance, the original fee will not be refunded and new forms must be filed and a new fee must be paid.

- d. The applicant may extend the Town's Approval for an additional six months with no additional fee as long as: no changes have been made to the applicant's proposed building, addition, electrical system, or solar energy system; no changes have occurred in the Town's Land Use Regulations since the applicant's original approval by the Town that would affect the application; the request is made before the expiration date of the permit; and the Town's Approval has not been revoked for any reason. If any of the above have occurred, the applicant must begin anew the application process with the Town.

SECTION 8: SEVERABILITY: If any provision of this ordinance or any application thereof to any person(s), entity, or circumstance is held invalid, the remaining provisions of this ordinance and applications thereof to other person(s), entities, or circumstances shall not be affected thereby.

SECTION 9: PENALTIES AND FINES:

Criminal Penalty and Imprisonment. Every person who violates this Ordinance is guilty of a Class B misdemeanor and may be punished by a criminal penalty not to exceed the maximum class B misdemeanor fine under Utah Code §76-3-301 or a term of imprisonment up to six (6) months, or both.

Civil Penalty. Alternatively, the Town Council may impose an appropriate civil penalty for each violation of this Ordinance by a fine not to exceed the maximum class B misdemeanor fine under Utah Code § 76-3-301, which civil penalties the Town Council shall specify and adopt under its authority herein and as granted by law with a minimum fine as established by resolution.

SECTION 10: EFFECTIVE DATE: This ordinance will become effective immediately upon passage by the Town Council of the Town of Castle Valley with regard to all building permit applications made after this date.

PASSED, ADOPTED AND APPROVED by the Town Council of the Town of Castle Valley, Utah in open session the 16th day of January, 2019, by the following vote:

Those Voting AYE: Mayor Duncan, Council Members Hill, Holland and Drogin

Those voting NAY: None

Those ABSENT: Council Member O'Brien

APPROVED:

ATTESTED:

Jazmine Duncan, Mayor

Jocelyn Buck, Town Clerk