

AGENDA
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION
TOWN OF CASTLE VALLEY
THURSDAY, APRIL 2, 2026 AT 6:30 P.M.

CASTLE VALLEY TOWN BUILDING - 2 CASTLE VALLEY DRIVE

This meeting will be a hybrid meeting held electronically by Zoom and also in person at the anchor site at the Town Building. If you have comments or concerns please attend or email them prior to the Meeting: planningclerk@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=Q05sYm5qQ0lpNIY5TVp2bTU5VnZiQT09>

CALL TO ORDER & ROLL CALL

1. Adoption of Agenda
2. Open Public Comment
3. Approval of Minutes: March 5, 2026, Regular Meeting
4. Reports - Correspondence: TBA
 - Building Permit Agent (BPA) Report – Thompson
 - Water Advisory Committee (WAC) - Anderson
 - Procedural Matters: TBA

NEW BUSINESS

5. Discussion and possible action regarding amendments to Ordinances 85-3 and 95-6 to comply with Utah State HB48 regarding fire risks within designated Wildland Urban Interface (WUI) areas within the Town Boundaries
6. Discussion and possible action regarding other amendments to Ordinances 85-3 and/or 95-6

UNFINISHED BUSINESS.

7. Discussion and possible action regarding the 2026 General Plan
8. Discussion and possible action regarding creation of Wildland Urban Interface map(s) for the Town of Castle Valley in compliance with Utah State HB 48 (Tabled)-to be removed from future agendas
9. Discussion and possible action regarding updates to land use application forms, in order to align them with changes in procedure and recent amendments to Ordinances 85-3 and 95-6 (tabled):

- **Nonroutine Solar Energy System (SES) Permit Application (update)**
- **Building Permit Information Sheet (update)**
- **Internal Accessory Dwelling Unit Permit Application (added 6.6.24)**
- Septic Permit Application (approved 5.2.24)
- Electric Permit Application (approved 5.2.24)
- Land Disturbance Activity Review (approved 6.6.24)
- Routine Solar Energy System (SES) Permit Application (approved 8.1.24)
- Land Disturbance Activity Permit (approved 9.5.24)
- Certificate of Land Use Compliance (CLUC) Form to replace CLUC for Agricultural Use (approved 9.5.24)
- Agricultural Exemption Form (approved 3.6.25)
- **Certificate of Occupancy Review form (added 5.8.25)**
- Temporary Dwelling Permit Application form (approved 6.13.25)
- Temporary Dwelling Permit Renewal form (approved 6.13.25)
- Fulfillment of Decommission Contracts (added 5.8.25) (approved 4.3.25)
- Three Acknowledgments – Geologic Hazard, Short Term Rentals, One Dwelling Per Lot (approved 5.8.25)
- **Temporary Accessory Dwelling Permit Application form (added 6.13.25)**

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,

PENDING MINUTES
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION
TOWN OF CASTLE VALLEY
THURSDAY, MARCH 5, 2026, AT 6:30 P.M.
CASTLE VALLEY TOWN BUILDING - 2 CASTLE VALLEY DRIVE

This meeting was a hybrid meeting held electronically by Zoom and also in person at the anchor site at the Town Building.

PLUC Members (PM) Present at anchor site: Dorje Honer, Janie Tuft, Jeff Whitney

PLUC Members Present on Zoom: Ryan Anderson, Marie Hawkins

PLUC Members Absent: None

Present at anchor site: Colleen Thompson (BPA), Mayor Jazmine Duncan, Egmont Honer, Mike Carlyle, Norm and Peggy Llewellyn,

Present on Zoom:

Town Clerk at anchor site: Jocelyn Buck

PLUC Clerk on Zoom: Faylene Roth

CALL TO ORDER & ROLL CALL

Honer called to order the Regular Meeting of the Planning and Land Use Commission (PLUC) of the Town of Castle Valley (CV) at 6:30 P.M. Buck called roll.

1. Adoption of Agenda

Tuft moved to adopt the Agenda. Whitney seconded the Motion. Hawkins, Honer, Tuft, Whitney, and Anderson approved the Motion. The Motion passed unanimously.

2. Open Public Comment – None.

3. Approval of Minutes

February 5, 2026, Regular Meeting

Anderson moved to approve the Minutes. Whitney seconded the Motion. Whitney, Hawkins, Honer, Tuft, and Anderson approved the Motion. The Motion passed unanimously.

Correspondence – None.

Building Permit Agent – Thompson

Thompson reported that two easement encroachments were approved in February. One at Lot 401 for driveway work and another for a trench across the road for electrical service on Lot 251. Permits in progress included a demolition permit for a 1970s house on Lot 33, a Land Use Review on Lot 401 for a driveway and parking area, an electrical installation permit on Lot 251 which had been approved by the time of this Meeting. Thompson also reported that she is pursuing a violation on Lot 216 for installation of a mini-split without a permit. She noted that the Grand County Building Department had initiated the violation.

Water Advisory Committee (WAC) – Ryan Anderson

Anderson said that he would send a report in writing to PLUC Members. Buck noted that WAC Minutes are available on the Town website.

Procedural Matters – None.

NEW BUSINESS

5. Discussion and possible action regarding the 2026 General Plan.

PLUC Members reviewed changes made to the draft General Plan since the last Meeting and made suggestions for modifications. Roth reported that a review of Section 5 on water was received from the WAC and incorporated into the current draft. She will update the draft as directed for the next PLUC Meeting. She said that she was waiting for a review of Section 6: Fire Protection and Emergency Preparedness by the Fire District Board at its March 12, 2026, Meeting. PLUC Members agreed to include Anderson's document summarizing Section H: Let Your Voice Be Heard as an addendum to the General Plan. He and Thompson will incorporate information from

the summary into the text of the General Plan.

Whitney moved to table Item 5. Tuft seconded the Motion. Whitney, Hawkins, Honer, Tuft, and Anderson approved the Motion. The Motion passed unanimously.

UNFINISHED BUSINESS

6. Discussion and Possible Action re: regarding creation of Wildland Urban Interface (WUI)

Whitney moved to untable Item 6. Tuft seconded the Motion. Whitney, Hawkins, Honer, Tuft, and Anderson approved the Motion. The Motion passed unanimously.

Whitney read the Motion he made at the February 5, 2026, Meeting and added that he wanted to add the greenbelt lots to the Motion. PLUC Members agreed.

Whitney moved that all properties within the Town Boundary that are not within the Castle Valley River Ranchos platted lots with the exception of Lots 368-372 will be designated a Wildland Urban Interface zone. Tuft seconded the Motion. Hawkins, Honer, Tuft, Whitney, and Anderson approved the Motion. The Motion passed unanimously.

7. Draft Amendments ton 2019 General Plan

Tuft moved to remove Item 7 from the Agenda. Whitney seconded the Motion. Hawkins, Honer, Tuft, Whitney, and Anderson approved the Motion. The Motion passed unanimously.

7. Discussion and possible action regarding updates to land use application forms, in order to align them with changes in procedure and recent amendments to Ordinances 85-3 and 95-6 (tabled): Left tabled.

- Nonroutine Solar Energy System (SES) Permit Application (update)
- Building Permit Information Sheet (update)
- Internal Accessory Dwelling Unit Permit Application (added 6.6.24)
- Septic Permit Application (approved 5.2.24)
- Electric Permit Application (approved 5.2.24)
- Land Disturbance Activity Review (approved 6.6.24)
- Routine Solar Energy System (SES) Permit Application (approved 8.1.24)
- Land Disturbance Activity Permit (approved 9.5.24)
- Certificate of Land Use Compliance (CLUC) Form to replace CLUC for Agricultural Use (approved 9.5.24)
- Agricultural Exemption Form (approved 3.6.25)
- Certificate of Occupancy Review form (added 5.8.25)
- Temporary Dwelling Permit Application form (added 5.8.25)
- Temporary Dwelling Permit Renewal form (added 5.8.25)
- Fulfillment of Decommission Contracts (approved 4.3.25)
- Three Acknowledgments – Geologic Hazard, Short Term Rentals, One Dwelling Per Lot

Item 7 was left tabled and there was no discussion, but Thompson reported that she will be updating all forms with the Town’s privacy policy to comply with a State-mandated requirement.

CLOSED MEETING - None

ADJOURNMENT

Honer declared the Meeting adjourned at 8:06 P.M.

APPROVED:

ATTESTED:

Ryan Anderson Co-Chair Date
Dorje Hone, Co-Chair

Faylene Roth, PLUC Clerk Date

BPA Report as of March 31, 2026

Building permits approved							
Approval	Lot	Road	Owner	Type	Purpose	Description	Height
3/3/2026	33	Rim Shadow Lane East	Foott, Jeffrey & Zimm	Building	Other	Demolition	0
3/4/2026	185	Shafer Lane East	Humbrecht, John & H	Other	Other	LDA PQ	0
3/4/2026	251	Miller Lane West	Kaness, Steven	Electrical	Other	Install elec service	0
3/16/2026	401	Cliffview Drive	Doherty, Terry	Other	Other	LDA Review driveway n	0
3/25/2026	153	Buchanan Lane East	Cate, Elizabeth & Hon	Building	Residence Addn	Porch roof extension	0

Building permits in process							
Started	Lot	Road	Owner	Type & purpose			
12/23/2025	216	Shafer	Jamie Cermak Beth Grinspoon	BP—violation— Elec, minisplit			
3/16/2026	250	Miller	John Stafsholt Permit #260048	BP—garage/studio			
3/5/2026	378	Homestead	Anderson-Pearcy	CLUC—shipping container & greenhouse			
3/20/2026	430	Rimrock	Sue Bellagamba contractor Terrill/ Black Sheep	LDA—drive & pond			

Temporary dwelling permits							
Approved	Lot	Road	Next renewal	Original approval	Owner	Type	Conditions
3/10/2026	378	Homestead	7/29/2028	7/29/2020	Elizabeth (Teddy) Anderson	TDP	

- (b) structures, if any, are widely scattered.
- (12) "Wildland fire" means a fire that consumes:
- (a) wildland; or
 - (b) wildland-urban interface.
- (13) "Wildland-urban interface" means the zone where structures and other human development meets, or intermingles with, undeveloped wildland.

Amended by Chapter 113, 2025 General Session

Download Options PDF | RTF | XML

Next Section (65A-1-4) >>

STATE SENATE

350 North State, Suite 320
PO Box 145115
Salt Lake City, Utah 84114
Telephone: (801) 538-1408
<https://senate.utah.gov>

Contact a Senator

HOUSE OF REPRESENTATIVES

350 North State, Suite 350
PO Box 145030
Salt Lake City, Utah 84114
Telephone: (801) 538-1408
<https://house.utleg.gov>

Contact a Representative

<< Previous Section (65A-8-202) Download Options PDF | RTF Next Section (65A-8-203) | XML >>

Index Utah Code

Title 65A Forestry, Fire, and State Lands

Chapter 8 Management of Forest Lands and Fire Control

Part 2 Fire Control

Section 202.5 City and town responsibilities. *(Effective 1/1/2017)*

Effective 1/1/2017

65A-8-202.5. City and town responsibilities.

- (1) A municipality shall abate the public nuisance caused by wildfire on forest, range, watershed, and wildland urban interface land within the boundaries of the municipality if the land is:
 - (a) privately owned; or
 - (b) owned by the municipality.
- (2) A municipality may participate in the wildland fire protection system of the division and become eligible for assistance from the state by agreement under the provisions of this chapter.
- (3) A municipality shall:
 - (a) reduce the risk of wildfire to incorporated, privately owned and municipality owned forest, range, watershed, and wildland urban interface land, with private landowner permission, through appropriate wildfire prevention, preparedness, and mitigation actions; and
 - (b) ensure effective wildfire initial attack on forest, range, watershed, and wildland urban interface land within the municipality's fire protection boundary.
- (4) A municipality may assign the responsibilities described in Subsections (1) and (3) to a fire service provider or an eligible entity, as defined in Section 65A-8-203, through contract, delegation, interlocal agreement, or another method.
- (5) The state forester shall make certain that appropriate action is taken to control wildland fires on incorporated, nonfederal forest, range, watershed, and wildland urban interface lands.
- (6) Nothing in this section excuses a private landowner from complying with an

applicable county ordinance.

Enacted by Chapter 174, 2016 General Session

<< Previous Section
(65A-8-202)

Download Options PDF | RTF | Next Section (65A-8-203)
XML >>

STATE SENATE

350 North State, Suite 320
PO Box 145115
Salt Lake City, Utah 84114
Telephone: (801) 538-1408
<https://senate.utah.gov>

Contact a Senator

HOUSE OF REPRESENTATIVES

350 North State, Suite 350
PO Box 145030
Salt Lake City, Utah 84114
Telephone: (801) 538-1408
<https://house.utleg.gov>

Contact a Representative

STAFF OFFICES

Legislative Auditor General
Legislative Fiscal Analyst

<< Previous Section
(65A-8-309)

Download Options PDF | RTF Next Section (65A-8-402)
| XML >>

Index Utah Code

Title 65A Forestry, Fire, and State Lands

Chapter 8 Management of Forest Lands and Fire Control

Part 4 Wildland Urban Interface Property

Section 401 Definitions. (Effective 1/1/2026)

Effective 1/1/2026

65A-8-401. Definitions.

As used in this section:

- (1) "High risk wildland urban interface property" means property located within the boundary of high risk wildland urban interface as designated by the wildfire risk assessment tool in Subsection 65A-8-203(8)(a) and defined by rule made in accordance with Subsection 65A-8-402(5)(a).
- (2) "Triage scale" means a scale with three classifications adopted by the division to evaluate and classify property located within the wildland urban interface as to what actions are needed to prepare the property for fire.
- (3) "Wildland urban interface" means the same as that term is defined in Section 65A-8a-102.
- (4) "Wildland urban interface building standards" means the edition of the Utah Wildland Urban Interface Code adopted under Section 15A-2-103.
- (5) "Wildland urban interface coordinator" means a representative of the division or a county who evaluates and classifies wildland urban interface property in accordance with Section 65A-8-402.
- (6) "Wildland urban interface property and casualty insurer" means the same as that term is defined in Section 31A-22-1310.

Enacted by Chapter 74, 2025 General Session

<< Previous Section (65A-8-401) Download Options PDF | RTF Next Section (65A-8-403) | XML >>

Index Utah Code

Title 65A Forestry, Fire, and State Lands

Chapter 8 Management of Forest Lands and Fire Control

Part 4 Wildland Urban Interface Property

Section Evaluation of wildland urban interface property -- Fee amounts -- 402 Rulemaking. (*Effective 1/1/2026*)

Effective 1/1/2026

65A-8-402. Evaluation of wildland urban interface property -- Fee amounts -- Rulemaking.

- (1) (a) The division shall establish a program under which a wildland urban interface coordinator evaluates and classifies high risk wildland urban interface property using a triage scale.
 - (b) The wildland urban interface coordinator shall be:
 - (i) a representative of the division; or
 - (ii) if the evaluation and classification is assigned to a county, a representative of the county.
 - (c) At the beginning of each calendar year, the division shall determine whether to assign evaluation and classification under this section of high risk wildland urban interface property to a county.
- (2) After completing the evaluation and classification under this section, the wildland urban interface coordinator shall inform a property owner of property described in Subsection (1)(a) of:
 - (a) the classification assigned to the property described in Subsection (1)(a) under the triage scale;
 - (b) the fee the property owner shall pay under Section 17E-7-401; and
 - (c) resources from the division or county that the property owner may access to bring the property described in Subsection (1)(a) to the first or second classification by applying wildland urban interface building standards.
 - (3) As part of the program established under this section, the division:

- (a) may provide resources to a property owner described in Subsection (2)(b) to facilitate the property owner bringing the property described in Subsection (1)(a) to the first or second classification under the triage scale; and
 - (b) beginning on January 1, 2028, shall develop and maintain a database that may be accessed by a wildland urban interface property and casualty insurer to learn the classification under the triage scale for any portion of high risk wildland urban interface property to be covered by the wildland urban interface property and casualty insurer.
- (4) (a) The division shall annually set a fee amount that is based on the square footage of a structure within the high risk wildland urban interface to pay for the costs associated with the implementation of this part to be assessed and collected by a county in accordance with Section 17E-7-401.
- (b) The division may tier the fee amount to account for what level on the triage scale a property is assigned by a wildland urban interface coordinator.
- (5) The division may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
- (a) define high risk wildland urban interface property and wildland urban interface property that is not high risk as provided in Subsection 65A-8-203(8)(b);
 - (b) establish the criteria used to evaluate and classify property located within high risk wildland urban interface property;
 - (c) create a process by which the division and counties communicate classifications assigned to property described in Subsection (1)(a);
 - (d) create a process for communicating to a property owner the information described in Subsection (2);
 - (e) establish how the division may provide resources under Subsection (3);
 - (f) create a process for a wildland urban interface property and casualty insurer to learn the classification described in Subsection (3)(b); and
 - (g) establish how the fee amount described in Subsection (4) is set.

Amended by Chapter 17, 2025 Special Session 1

CHAPTER 3 LAND USE AND APPEAL AUTHORITY

3.1 DESIGNATION OF LAND USE AUTHORITY

3.1.1 Building Permit Agent

The Building Permit Agent shall act as the Land Use Authority to perform Grade Reviews prior to any earth-moving associated with a Building Permit, in order to determine Existing Grade (see Definitions). The Building Permit Agent shall share the Land Use Authority with the Roads Manager to perform Land Disturbance Reviews. They shall review and determine whether an application for a Land Use Decision is routine or nonroutine and act on routine requests for a Land Use Decision for routine building permits, routine requests for Conditional Use Permits, routine requests for Temporary Dwelling Permits, routine requests for Internal Accessory Dwelling Unit permits, routine requests for electrical or solar energy system permits, routine requests for Certificates of Land Use Compliance, routine requests for a Decommissioning Contract, requests for Septic permits, and requests for Certificates of Occupancy. The Building Permit Agent shall determine if, upon renewal, a Temporary Dwelling Permit shall require additional conditions for its continued use as a Temporary Dwelling and refer those that require conditions to the Planning and Land Use Commission. The Building Permit Agent may not deny or condition a routine Land Use Application, but shall deem an application which may be denied or conditioned to be nonroutine. The Building Permit Agent shall deem all Land Use Applications as nonroutine that require advice or other services to the Town by professional parties to properly evaluate its compliance with Town Land Use Regulations and its impact in the zone in which the land use is to be located.

3.1.2 Roads Manager

The Roads Manager shall act as the Land Use Authority to approve Right of Way Encroachment Permit applications. The Roads Manager shall share the Land Use Authority, with the Building Permit Agent, to perform Land Disturbance Reviews.

3.1.3 Planning and Land Use Commission

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

The Planning and Land Use Commission shall act as the Land Use Authority to act upon requests for a Land Use Decision for nonroutine building permits, Temporary Dwelling Permit renewals that require additional conditions for the continued use of the Temporary Dwelling, nonroutine requests for electrical or solar energy system permits, nonroutine requests for Certificates of Land Use Compliance, or nonroutine requests for Decommissioning Contracts. The Planning and Land Use Commission shall act as the Land Use Authority to review and act upon applications for 1-2 Family Residential Subdivisions (see Subdivision Ordinance 2004-3).

3.1.4 Town Council

The Town Council shall act as the Land Use Authority to review and act upon Land Use Applications related to the following: nonroutine Conditional Use Permits; review, annual renewal and revocation of both routine and nonroutine Conditional Use Permits; Temporary Accessory Dwellings For Medical Purposes; noncomplying buildings; nonconforming uses; the interpretation of the

provisions of Town Land Use Regulations related to permitted and non-permitted uses; and any other Land Use Decision not specifically assigned to another Land Use Authority.

The Town Council shall, by the issuance of a written determination, act as the Land Use Authority regarding the interpretation of the provisions of Town Land Use Regulations and resolve any discrepancies or situations where the text of a Town Land Use Regulation does not provide definitive clarity.

3.2 DESIGNATION OF APPEAL AUTHORITY

3.2.1 Planning and Land Use Commission

The Planning and Land Use Commission shall act as the Appeal Authority for decisions by the Building Permit Agent determining that an application for a Land Use Decision for a building permit, a conditional use permit, an electrical or solar energy system permit, a Certificate of Land Use Compliance, or a Decommissioning Contract is routine or nonroutine, if an appeal from the determination of the Building Permit Agent is filed within 15 calendar days after the date that a determination is officially made by the Building Permit Agent.

If, upon appeal, the Planning and Land Use Commission determines that a Land Use Application for a building permit, an electrical or solar energy system permit, a Certificate of Land Use Compliance, or a Decommissioning Contract is routine, it shall remand the Land Use Application to the Building Permit Agent for processing.

If, upon appeal, the Planning and Land Use Commission determines that a conditional use permit is routine, it shall ratify the Building Permit Agent's determination and approval of the conditional use permit.

If, upon appeal, the Planning and Land Use Commission determines that the Land Use Application for a building permit, electrical or solar energy system permit, a Decommissioning Contract, or the Certificate of Land Use Compliance is nonroutine, it may review and issue a Land Use Decision for the building permit, the electrical or solar energy system permit, the Decommissioning Contract, or the Certificate of Land Use Compliance.

If, upon appeal, the Planning and Land Use Commission determines that a Conditional Use Permit is nonroutine, it shall review the conditional use permit application and recommend action to the Town Council, which will act as the Land Use Authority to approve, approve with conditions, or deny the application.

3.2.2 Variance and Appeal Hearing Officer

Except for decisions determining that a Land Use Application is routine, an individual appointed by the Town Council as the Variance and Appeal Hearing Officer (Officer) shall be the Appeal Authority for purposes of Town Land Use Regulations including Appeals from the assessment of Land Use Application fees. The Officer shall also have the responsibility to review and act upon applications for Variances.

3.2.3 Town Council

The Town Council shall be the Appeal Authority for Appeals regarding applications for 1-2 Family Residential Subdivisions (see Subdivision Ordinance 2004-3).

3.3 LAND USE AUTHORITY (LUA) AND APPEAL AUTHORITY TABLE

The table in this section is for reference purposes only and the text in other sections of this land use ordinance, not the table, governs the role of each entity shown on the table.

<u>Land Use Application</u>	<u>Advise LUA</u>	<u>Land Use Authority</u>	<u>Appeal Authority</u>
Subdivision approval		Planning and Land Use Commission	Town Council
Temporary Accessory Dwellings (TADs) for Medical Purposes	Planning and Land Use Commission	Town Council	Appeal Officer
Applications related to Noncomplying Buildings	Planning and Land Use Commission	Town Council	Appeal Officer
Applications related to Nonconforming Uses	Planning and Land Use Commission	Town Council	Appeal Officer
Ordinance interpretations	Planning and Land Use Commission	Town Council	Appeal Officer
Others Land Use Decisions not assigned	Planning and Land Use Commission	Town Council	Appeal Officer
Annual review and renewal of Conditional Use Permits	Planning and Land Use Commission	Town Council	Appeal Officer
Determination if an application for a Conditional Use Permit is Routine		Building Permit Agent	Planning and Land Use Commission**
Routine Conditional Use Permits		Building Permit Agent	Appeal Officer
Nonroutine Conditional Use Permits	Planning and Land Use Commission	Town Council	Appeal Officer
Determination if Land Use Applications are Routine*		Building Permit Agent	Planning and Land Use Commission**
Routine Building Permits and Certificates of Occupancy		Building Permit Agent	Appeal Officer
Septic Permits		Building Permit Agent	Appeal Officer
Temporary Dwelling Permits		Building Permit Agent	Appeal Officer

Ordinance 85-3 • Amended March 19, 2025

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

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

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

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

CHAPTER 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 side property line or back property line.

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 SUBDIVISION

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 Planning and Land Use Commission 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 Subdivision, 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 CERTAIN LAND DISTURBANCE 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. 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 (see Illustrations for Definitions C1 and C2 in this Ordinance; and Ordinance 95-6 Section 1.1.m). 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. A Land Disturbance Review must be completed in order to obtain Town approval for a Building Permit application. A Land Disturbance Review shall ensure that no changes are made to any wash, drainage, or Watercourse 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 expire in 12 months. If a Land Disturbance Review occurs more than 12 months prior to a complete Building Permit application being submitted, a new Land Disturbance Review shall be required prior to Town approval.

D. A Land Disturbance Review or Land Disturbance Permit may be required prior to earth moving work not associated with a Building Permit application, 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. 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 will never be used as a Dwelling regardless of length of time of occupancy. Decommissioning must occur within thirty (30) days after occupancy of the new Dwelling.

5.10 INTERNAL ACCESSORY DWELLING UNIT (IADU)

One Internal Accessory Dwelling Unit is allowed within the building footprint of the Primary Dwelling. Each IADU shall require a permit with annual renewal, regardless of intended use. The IADU Permit is non-transferable and terminates upon sale of the property. New owners of a lot with a previously permitted IADU installed must apply for a new IADU Permit in their own name or decommission the IADU kitchen as provided for in this Section. Reinstating a previously decommissioned IADU shall require a new IADU Permit application.

5.10.1 Prohibitions

- A. Rental of the IADU is strictly prohibited if the owner of record of the Primary Dwelling is not a full-time resident within that Dwelling.
- B. IADUs, if rented, shall not be rented for a period of less than 30 days.
- C. IADUs are prohibited in detached structures.
- D. IADUs are prohibited within mobile homes.

5.10.2 Requirements

- A. IADU Application, on the form maintained by the Town.
- B. IADU Application fee.
- C. Verification that the property owner of record occupies the Primary Dwelling as their Primary Residence, as recognized by the Grand County Assessor in the public record Grand County Tax Information.
- D. An IADU or any space within the Dwelling that is modified as part of installation of an IADU must be compliant with current Building Codes, including but not limited to egress window requirements. This is to ensure the health and safety of all occupants of the building.
- E. Septic inspection and approval by Southeast Utah Health Department to ensure the septic system is adequate for the proposed use.
- F. Notice of the approved Internal Accessory Dwelling Unit, including Decommissioning Contract, signed by all of the property owners of the subject property and their signatures notarized, shall be recorded by the Town with the Grand County Recorder. The notice shall include: a description of the Primary Dwelling; a statement that the Primary Dwelling contains an Internal Accessory Dwelling Unit; and a statement that the Internal Accessory Dwelling Unit may only be used in accordance with the Town's land use regulations. Upon recording the notice, the Town shall deliver a copy of the notice to the owner of the IADU.

5.10.3 Internal Accessory Dwelling Unit Review Procedure

The decision to approve or deny an IADU application is administrative. Within a reasonable amount of time after the applicant submits a complete IADU application, the Town shall approve the IADU application if it complies with the requirements of this Section 5.10 and all applicable building, health, and fire codes.

5.10.4 Renewal of Permits

The owner of the property on which the IADU is located shall submit an IADU renewal application annually to ensure legal compliance. Within a reasonable amount of time after the applicant submits a complete IADU renewal application, the Town shall approve the IADU renewal application if it complies with the requirements of this Section 5.10. The Town may deny the IADU renewal application in the event the Town determined the owner violated Section 5.10.1(B) or if the owner has failed to cure any other violation of this Section 5.10 after notice pursuant to Section 5.10.6. In the event of denial of an IADU renewal application, the owner of the lot on which the IADU is located shall decommission the IADU pursuant to Section 5.10.5

5.10.5 Internal Accessory Dwelling Unit Decommissioning

- A. The IADU must be decommissioned no later than thirty (30) days after revocation or cancellation of the IADU Permit.

- B. Decommissioning the IADU shall consist of removal of some of the fixtures, facilities, or 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.

5.10.6 Enforcement of IADUs

In the case of a suspected violation with respect to an IADU, the following procedures shall be followed. These procedures are in accordance with Section 10-9a-530, Utah Code Annotated 1953 (“Utah Code”).

A. Upon learning of a suspected violation, the Town shall provide a written notice of suspected violation (“Notice”). The Notice shall:

1. Be mailed to the owner of record and any other individual designated on the IADU permit to receive notice and posted at the property with the suspected violation;
2. Describe the specific violation;
3. Provide the owner of the IADU thirty (30) days from the day on which the Town issues the Notice to file a written objection or to cure the violation, except in the case of a violation relating to an illegal Short-term Rental or for any issue relating to health or safety. In the case of a suspected violation relating to an illegal Short-term Rental or for any health or safety issue, the Notice shall specify that the suspected activity or use as an IADU must immediately cease and desist;
4. Provide the name and address of the Town office where the owner may file a written objection to the Notice;
5. State that if the owner fails to cure the violation within 30 days of the issuance of the Notice, or fails to cure the violation immediately if the Notice specifies a suspected violation relating to an illegal Short-term Rental or for any health or safety issue, the Town may hold a lien against the property in an amount up to \$100 per day, for each day of the violation after the expiration of the 30-day cure period;
6. The Town shall record a copy of the Notice with the Grand County Recorder.

B. If the owner cures the suspected violation to the satisfaction of the Town within the 30-day cure period, or immediately in the case of a suspected violation relating to an illegal Short-term Rental or for any health or safety issue, the Town will not hold a lien against the property nor impose any fees or fines upon the owner with respect to the suspected violation specified in the Notice.

C. The owner may file a written objection to the suspected violation within 14 days of the postmark on the Notice or the date the Notice is posted on the owner’s property.

D. If the owner files a written objection within the specified timeframe and it is received at the designated Town address, the Town Council shall hold a hearing open to the public in order to determine whether the suspected violation described in the Notice has occurred. The Town shall provide the owner with the date, time, and location of the hearing at least 14 days prior to the date of the hearing.

E. If the Town Council determines at the hearing that the suspected violation identified in the Notice has occurred, the Town may impose a lien in the amount of \$100 per day for each day of the violation after either (1) the expiration of the 30-day cure period specified in 5.10.6.A.3 above, regardless of whether the hearing was held after the 30-cure period had expired or (2) the next day after the issuance of the Notice in the case of a suspected violation relating to an

illegal Short-term Rental or for any health or safety issue. The Town may impose such lien each day until the violation is cured to the satisfaction of the Town.

F. If the Town Council determines at the hearing that the suspected violation identified in the Notice has not occurred, the Town will not hold lien against the property nor impose any fees or fines upon the owner with respect to the suspected violation specified in the Notice.

**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 April 17, 2024 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 Watercourses on individual lots may adversely impact Town roads, 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 grant Town Zoning Approval on the Grand County Building Permit Application form for submission to the County, to grant zoning approval for other structures or improvements that do not require a Grand County building permit but are subject to Town land use regulations, or to oversee Land Disturbance Activity that might affect drainage of Surface Water (as defined in Ordinance 85-3).

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 zoning 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. 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).
- d. An Acknowledgement of One Dwelling Per Platted Lot (signed by applicant).
- e. An Acknowledgement of Short-Term Rentals Prohibited (signed by applicant).
- f. A Geologic Hazards Release Agreement (signed by applicant).
- g. Land Disturbance 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.
- h. (Where applicable) An Acknowledgment and Release Agreement for lots without legal access (signed by applicant).
- i. (Where applicable) A Temporary Dwelling Permit.
- j. (Where applicable) A Decommissioning Contract. No portion of the decommissioned unit or 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.
- k. (Where applicable) An approved Right of Way Encroachment Permit signed by the Roads Manager or other designated official.
- l. (Where applicable) A Grade Review to determine Existing Grade prior to any earth-moving, signed by the Building Permit Agent or other designated official, as described in Ordinance 85-3 Chapter 5.7.B, and Section 5 of this Ordinance.
- m. (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.
- n. (Where applicable) An approved Internal Accessory Dwelling Unit (IADU) Permit, as described in Ordinance 85-3 Section 5.10, if applying for a building permit to construct, or remodel to create, an IADU.
- 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. (Where applicable) a Land Disturbance Review performed by the Roads Manager or other designated official.
- g. 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 Disturbance Activity, Review and Permit

Land Disturbance Activity (as defined in Ordinance 85-3) may require Town oversight, including such activity not associated with a Building Permit, to protect property from changes in drainage.

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

- a. Area of ½ 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.
- d. Planned disturbances in setback areas.

Submission requirements for a Land Disturbance Review shall include:

- a. Plot plan showing entire lot with setback lines, existing structures including septic systems, and proposed land disturbance activity (separate page zoomed with detail if necessary.)
- b. List of any thresholds expected to be triggered, with details.
- c. In the case of a Land Disturbance Review associated with a building permit, detail any planned land disturbance activity which is not already included on the building plans.
- d. List contractors, engineers, and any other involved professionals.
- e. Any additional details or notes.
- f. Payment of Land Disturbance Review fee (waived for building-permit-associated projects.)

Upon completion of the Land Disturbance 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 if the planned Land Disturbance Activity meets one or more of the following thresholds:

- a. Land Disturbance of 1 acre or more; Utah licensed engineering required if greater than 2 acres. Approval is contingent on notification of the State under UPDES (as defined in Ordinance 85-3).
- 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 at the Land Disturbance Review 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 by the Roads Manager or other designated official as part of the Land Disturbance Permit, which may include, but not limited to:

- a. Revegetation of disturbed areas.
- b. Riprap/armoring on erosion prone areas.
- c. Silt fencing or other silt retention methods.
- d. Timeframe for mitigations.

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. Pre-existing agricultural operations conducted as an allowed use.

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 zoning approval for a new building or addition may be denied if any changes have already been made to any wash, drainage, or Watercourse 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 Land Disturbance Review.

SECTION 5: 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 (see Ordinance 85-3 Definitions, and Illustrations for Definitions C1 and C2; and Section 1.1.1 of this Ordinance).

6. Discussion and Possible Action re: regarding creation of Wildland Urban Interface (WUI)

Whitney moved to untable Item 6. Tuft seconded the Motion. Whitney, Hawkins, Honer, Tuft, and Anderson approved the Motion. The Motion passed unanimously.

Whitney read the Motion he made at the February 5, 2026, Meeting and added that he wanted to add the greenbelt lots to the Motion. PLUC Members agreed.

Whitney moved that all properties within the Town Boundary that are not within the Castle Valley River Ranchos platted lots with the exception of Lots 368-372 will be designated a Wildland Urban Interface zone. Tuft seconded the Motion. Hawkins, Honer, Tuft, Whitney, and Anderson approved the Motion. The Motion passed unanimously.



TOWN OF CASTLE VALLEY, UTAH
RESOLUTION 2025-10

A RESOLUTION ADOPTING THE 2006 UTAH WILDLAND-URBAN INTERFACE CODE

WHEREAS the Town of Castle Valley recognizes the threat that natural hazards pose to people and property within Castle Valley; and

WHEREAS the Town of Castle Valley recognizes regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels as provided in the code; and

WHEREAS adoption by the Town of Castle Valley demonstrates their commitment to the hazard mitigation and achieving the goals outlined in '2006 Utah Wildland-Urban Interface Code'; and

WHEREAS the State of Utah has mandated the adoption and enforcement of the Code by January 1, 2026; and

WHEREAS the Town Council of the Town of Castle Valley believes it is in the best interest of the Castle Valley to adopt '2006 Utah Wildland-Urban Interface Code '.

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

That the Town of Castle Valley hereby adopts the "2006 Utah Wildland-Urban Interface Code".

Passed, Adopted, and Approved by the Town Council of The Town of Castle Valley in open session on the 17 day of December, 2025 by the following vote:

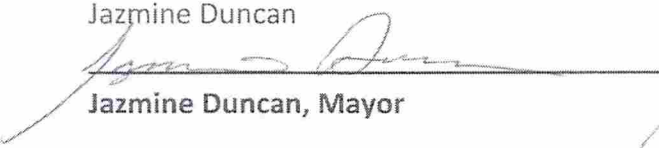
Those voting AYE: Mayor Duncan, Council Members: Gibson, Hill, Holland and O'Brien

Those voting NAY: None

Absent: None

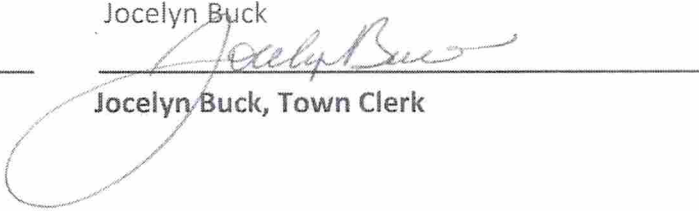
APPROVED:

Jazmine Duncan


Jazmine Duncan, Mayor

ATTESTED:

Jocelyn Buck


Jocelyn Buck, Town Clerk

OFFICIAL COPY
CV Recorder 