

AGENDA
REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION
TOWN OF CASTLE VALLEY

Date: Wednesday, July 7, 2021

Time: 6:30 PM

Place: Electronic Meeting Due to COVID-19

Electronic Meeting Determination

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

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

Option 1 Dial-in phone number (US): (978) 990-5000 follow prompts. Access code: 895972#
Option 2 Join the online meeting (must have computer speakers and microphone):
<https://join.freeconferencecall.com/townclerk58> Online meeting ID: townclerk58

CALL TO ORDER REGULAR MEETING

Determination and Roll Call

1. Open Public Comment
2. Approval of Minutes- March 3, 2021 and June 2, 2021 Meeting Minutes.
3. Correspondence: TBA
4. Town Council Meeting(s) - Thompson
5. Building Permit Agent Report - Thompson - Permit Activity and Updates on Recent Applications
6. Procedural Matters: Ordinance 2021-4 Dark Sky Outdoor Lighting Ordinance.

NEW BUSINESS

7. Discussion and Possible Action re: Shipping Containers.
8. Discussion and Possible Action re: HB82 adding Internal Accessory Dwelling Units to 85-3 Land Use Ordinance.

UNFINISHED BUSINESS

9. None

CLOSED MEETING

10. If Necessary

ADJOURNMENT

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

Government: select "Cites", Entity: select "Castle Valley" Body: select "Town of Castle Valley" Select this meeting and click on "Download attachments"

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

Date: Wednesday, March 3, 2021

Time: 6:30 PM

Electronic Meeting Determination

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

Commission Members Present: Ryan Anderson, Julie Baird, Marie Hawkins, Stephen Curtis and Colleen Thompson.

Absent: None

Others Present: Mayor Duncan, Jack Campbell, Bruce Keeler, Tom and Donna Wood, Matt Langer, Darin Menlove, Erik Secrist and Jeff Whitney, Lesa and John Smith.

Clerk: Susan Curtis

CALL TO ORDER

Determination and Roll Call

1. Open Public Comment: John Smith appreciated all the work the PLUC has done on their recommendations for Ordinance 85-3 Section 4.9 regarding amending the permitted Swine numbers. At the last Council meeting he was appalled at how the Council responded to the PLUC. Stating they (PLUC) were not even able to finish presenting their findings and give their recommendations. Smith felt the Council attacked PLUC members. He wanted to make sure that the non-livestock-owners' opinions were treated equally in any decisions. Anderson clarified that the Livestock committee was formed several months ago to gather information. The Committee included livestock owners, non-livestock-owners and PLUC members. Donna Kramer Woods agreed with Smith that the PLUC had done a lot of work and that the livestock owners were such a small minority. She felt the Council was disrespectful to the PLUC. And Wood thanked the PLUC for all their work.

2. Approval of Minutes- Regular Meeting of February 3, 2021.

Curtis motioned to approve the Minutes from February 3, 2021, Baird seconded motion passed unanimously

3. Correspondence: None

4. Town Council Meeting Report- Anderson reported that on February 17, 2021 Town Council will hold a Public Hearing on the potential amendments to Ordinance 85-3 4.9 regarding the permitted number of swine. Anderson commented on how to improve the process of the PLUC and the Town Council working together. He would like to schedule a Workshop with the PLUC and Council to create a collaborative process to weave our respective roles and responsibilities together while going forward.

5. Building Permit Agent Report- Thompson reported one solar permit Lot 187 has been finalized. Lot 54 Barn and Sunroom permits were completed; both were approved in 2008 before we had permit expirations in place in the Town Ordinance.

6. Procedural Matters:

- **4.9.4 Management Practices.** Baird reported on a meeting Mayor Duncan, Thompson and she had

with Dr. Rhonda Miller. She was recommended by Deb Holling. Miller has worked/consulted with the Hollings in the past. Baird considered Miller will be a great resource for the Town. Overview of some key topics she recommended we develop our management practices on:

- State Water Quality guidelines.
- Mortality of livestock:the State requires that there will be no environmental impacts to burying dead livestock.
- Manure Management guidance on stacking versus active composting. Also to come up with appropriate distances from piles to fence lines and neighbors. Manure should be stacked at least 30 feet away from well heads and also to have guidelines for manure cleaning frequencies. And include mandated berms and buffer strips to deal with runoff.
- Enforcement could be done initially by a neighbor to neighbor panel instead of the Town's current formal Complaint Resolution process.

Miller recommended we consult with the National Resource Conservation Services .She is willing to help the PLUC with guidance and/or referrals to get more information on these and any other topics we may need.

Stephen Curtis wanted make sure the Council received a copy of the letter from Kim Chapman.

• **Dark Sky Research.** Thompson reported the Dark Sky working group had their first meeting last night. The Group is citizen-driven to work towards getting the Town designated as an International Dark Sky Community (IDA). The group consists of Thompson (Building Permit Agent and PLUC Member), Faylene Roth (former Building Permit Agent and PLUC Clerk), Harry Holland (Council Member), Tom Haraden (former Park Ranger), Nathan Ament (Parks Employee), and Jocelyn Buck (Town Clerk). We will be studying other Dark Sky Communities' lighting ordinances and IDA requirements to draft a new Lighting Ordinance. There is still a question as to whether the ordinance is a Land Use ordinance that would come before the PLUC. Interestingly the existing Town lighting ordinance in some places is stricter than the IDA requirements. The Designation application has other requirements such as light monitoring, education outreach and Community support letters. Thompson noted the 2020 General Plan survey resulted in majority support for pursuing this IDA designation. Thompson will keep the PLUC informed on the group's progress

7. NEW BUSINESS

None

8. UNFINISHED BUSINESS

None

9. CLOSED MEETING

Request for a closed meeting as Per Utah State Code 52-4-205(1)(a) discussion of personnel issues.

Baird moved to enter into a closed meeting, Thompson seconded, motion passed unanimously

The Commission entered a closed meeting at 7:08 PM

The Commission rejoined the Regular Meeting at 8:03 PM

ADJOURNMENT

Thompson moved to adjourn, Baird seconded, motion passed unanimously

Anderson (Chairman) adjourned the Meeting at 8:04 PM

Approved:

Attested:

Ryan Anderson-Chair

Jocelyn Buck- Town Clerk

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

Date: Wednesday, June 2, 2021

Time: 6:30 PM

Place: Electronic Meeting Due to COVID-19

Electronic Meeting Determination

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

Commission Members Present: Ryan Anderson, Julie Baird, Marie Hawkins, Colleen Thompson, and Jeff Whitney.

Absent: None

Others Present: Mayor Duncan, Russ Cooper, Peggy and Norman Llewelyn.

Clerk: Jocelyn Buck

CALL TO ORDER

Chairman Ryan Anderson called the Meeting to order at 6:31 PM and delivered the Determination, and Buck took roll call.

1. Open Public Comment: None

2. Approval of Minutes from May 5, 2021 Meeting

Baird moved to approve the Minutes from May 5, 2021 with amended corrections from Thompson,

Thompson seconded, motion passed unanimously.

3. Correspondence: None

4. Town Council Meeting(s) – Thompson- no questions

5. Building Permit Agent Report — Thompson - Permit Activity and Updates on Recent Applications: No Building Permits finalized in May. Certificates of Occupancy inspections for Lot 60 and Lot 47 both failed because of their outdoor lighting. Thompson will be working with the residents get the lights properly shielded. There was one Decommissioning Contract for Lot 332 that was recorded by the County in December, but Thompson just received it recently. One Temporary Dwelling permit was renewed on Lot 367.

6. Procedural Matters: Update on Dark Sky research-Buck reported the team is continuing to work on the draft Lighting Ordinance and hope to get it to the PLUC soon. Harry Holland has asked for letters of support from Moab and the County as well as local NGOs and we have received several. Next we will be asking residents for letters of support. Anderson and Thompson will start work on shipping containers zoning considerations. Anderson also would like the PLUC to form a task to work on best livestock management practices. Buck announced that Jessica Maw has been hired as the new PLUC Clerk and she will start training next week.

Whitney reported House Bill 82 which passed in February; this allows homeowners to have an Internal Accessory Dwelling Unit within their house, and it prohibits counties and municipalities from stopping them. The PLUC will need to address this in 85-3. There are a few regulations and requirement such as

the homeowner needs to be in residence .Whitney has fire safety concerns with aspects of HB82. M Duncan will consult the Town Attorney on HB82 and get direction for the PLUC from the Town Council.

NEW BUSINESS

7. Discussion and Possible action re: Nonconforming use application for a fence on Lot 224.

Peggy Llewellyn explained their plans are to develop an organic farm from the existing orchard and vineyard as well to start some more fruit trees. The previous owners of Lot 224 and Lot 223 had an exclusionary fence around both lots, the entire 10 acres. The Llewellyns bought 224 and another party that owns Lot 222 bought Lot 223 and removed some existing fencing. This enabled deer come in through Lot 223 and get into the Lot 224 orchard. The deer have done damage to the trees and also have a hard time finding their way back out. The Llewellyns are requesting permission to create an exclusionary fence between Lot 224 and Lot 223 to keep the deer out of Lot 224.

Thompson explained fences are not considered a non-complying structure; this fence would instead be a nonconforming use. Currently an exclusionary fence (over 4 feet) is limited to 1 acre. One could argue this could be repairing a pre-existing non-conforming use. Llewelyn stated that they have at least 2.5 acres of orchard and vineyard. Another way around this could be a double fence which is currently not defined in the fencing ordinance as exclusionary, but their driveway would have to be moved.

Baird clarified the 8 foot fence previously went around all 10 acres; now the area requesting exclusionary fencing has been reduced to 5 acres. This results in half the interference with deer migration, and also reduces the chances of deer being trapped.

Whitney had been to arbitration on something like this and a reduction of a nonconforming use is a favorable action.

M Duncan agreed a reduction of a nonconforming use seem like a positive solution for the deer and the Llewellyns.

Hawkins commented that the original intent of the fence years ago was to protect the orchard from the deer. So the Llewellyns should be able to continue to protect the viability of their orchard and vineyard from the deer as it was before.

Whitney moved for the PLUC to make a favorable recommendation to the Town Council for the 8 foot fence between Lots 223 and 234; Hawkins seconded, the motion passed unanimously.

UNFINISHED BUSINESS

8. None

CLOSED MEETING

9. If Necessary

ADJOURNMENT

Thompson moved to adjourn, Whitney seconded, motion passed unanimously

Ryan Anderson (Chairman) adjourned the Meeting at 7:17PM

Report to PLUC on 6/16/21 Town Council meeting

Administrative matters

- Book Cliffs Hwy back on, using covid funding (per Tory)
- upcoming Town Council vacancies: Harry & OB & Jaz refiled. Only write-ins left, or no election
- discussion of downsized Gourd Festival. [It has since been canceled]
- No update on American Rescue Plan money. ULCT wants \$250 for ARP advice. Consensus: Not worth it.

New business

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

From \$500 to \$750. Mayor pay has never been increased. Passed

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

Passed after discussion

11. Discussion and Possible Action re: HB 82 Single- Family Housing Modifications (Internal Accessory Dwelling units)

They're sending us direction on this. The discussion concluded that while we need to comply with state law, with apparently an October deadline, the new legislation does allow us to impose some restrictions, and the council inclined toward imposing everything we can.

13. Discussion and Possible Action re: Amendments to 85-3 designating Land Use Authority for drainage reviews.

Jocelyn says this can be administrative (i.e. not requiring public hearings or newspaper notifications). TC likes the idea of shared authority between Road Manager and BPA, which means less likelihood of delays in case there are unfilled positions.

Passed

Jeff Whitney was going to speak to the county building department about whether our existing drainage review is adequate to required purposes in terms of state code.

14. Discussion and Possible Action re: Event permits.

Discussion re size, sanitation, fire hazard, etc. BPA to ask Orion if state has any rules about big parties on septic tanks. Guidelines advisory was suggested, TC likes that. Ron will update Smokey Bear sign with No Fires sign. Much discussion about private property events vs town lot events, etc.

—Colleen Thompson

TOWN OF CASTLE VALLEY - Building Permits Report

Approval Date Between 6/1/2021 And 6/30/2021

Approval	Lot	Road	Owner	Type	Purpose	Description	Height	Sq Ft <=19	Sq Ft >19
6/7/2021	202	Shafer Lane East	Catto, John	Electrical	Garage	elec to garage/worksho	0	0	0
6/8/2021	224	Miller Lane West	Llewellyn, Norman &	CLUC	Shed	195sf ag shed	12.5	195	0
6/11/2021	046	Lazaris Lane West	Hutchinson, Neil & Sh	Other	Garage	Certificate of Occupanc	0	0	0
6/14/2021	115	Pace Lane East	Wentz, Julie	Building	Garage	Garage/workshop	22.5	0	2668
6/19/2021	176	Shafer Lane West	Carpenter, Catherine	Septic	Residence	1250 gal	0	0	0
6/30/2021	060	Lazaris Lane West	Orr, Wallace	Electrical	Solar	Add battery system	0	0	0

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, and sheds 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.

Commented [CT1]: So we already had language income passing shipping containers, although this is a more broad definition than "intermodal shipping containers". For instants, this could include semi trailer boxes. I recently approved one of these. The owner had run it by the county building inspector first and it was OK with him.

Commented [CT2]: ditto

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 buildings as provided in section G.

G. No more than two accessory buildings 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 DWELLING PER PLATTED LOT

Repeated Town surveys regarding owners' and residents' preferences have continually supported maintaining one dwelling per lot and protecting the Town's rural character and drinking water quality. The purpose of limiting one dwelling 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) building which contains a dwelling 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, accessory structures, 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 platted lot. Additional kitchens may be allowed in a separate building 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 overnight 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 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 Reviews must be completed in order to obtain Town approval for a Building Permit Application. A 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. Drainage Reviews expire in 12 months. If a Drainage Review occurs more than 12 months prior to a complete Building Permit Application being submitted, a new Drainage Review shall be required prior to Town approval.

Commented [CT3]: The county does not require a permit for intermodal shipping containers because they are so well engineered. Semi trailer boxes, though not quite so sturdy, were also recently okayed exempted from permitting by the county (according to landowner).

However, addition of any utilities automatically requires a county permit. Probably would also require a foundation or anchoring system.

So I think the suggested amendment would be minimal, while still making it clear that these structures are treated like any other in terms of zoning permission.

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.

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 building. These conditions may include: removal of some of the fixtures, facilities, and plumbing that are part of what defines a dwelling in this land use ordinance such as the removal and walling over of any 220 receptacles 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.

From: jazmined@castlevalleyutah.com
 Subject: fw: RE: HB82 single family dwelling modifications questions
 Date: June 17, 2021 at 12:37 PM
 To: Ryan Anderson ryana@castlevalleyutah.com, Julie Baird julieb@castlevalleyutah.com, marieh@castlevalleyutah.com, Marie Hawkins loveandlight23@yahoo.com, Jeff Whitney jeffw@castlevalleyutah.com, colleent@castlevalleyutah.com
 Cc: Jocelyn Buck townclerk@castlevalleyutah.com

Hello PLUC!

Last night the council discussed the direction they would like you all to take on HB82. I encourage you all to get with Jocelyn next week during her hours to listen to the audio on that section of our meeting, I am likely to miss key points in this email because it was 99 degrees in my house during the meeting last night and my brain may have been partially fried! Colleen can also add to this, she was at the meeting.

Please use link in email below from Cameron to access the legislative wrap up and Jocelyn's email below that contains a link to the bill.

What the council would like for the PLUC to do is create a separate section in permitted uses to address the IADU's and include as many of the allowed restrictions as possible in order to make for the safest and least impactful situation to the community, including requiring something from the health department to show a functioning septic capable of handling the extra bedrooms, and permits and business license should also be considered for those adding an IADU.

85-3 sections on having a second kitchen should also be reviewed, keeping in mind that the IADU is only required to be allowed in the footprint of the single family dwelling occupied by the owner. This means it is still ok to not allow a second kitchen in an outbuilding or other structure that is not part of the primary dwelling.

I'm sure there will be questions and if we get to the point we need more legal guidance we will do that too. Thanks for getting this on your next agenda, I believe we only have until October to implement these changes.

Jazmine Duncan

Mayor
 Town of Castle Valley
 HC64 Box 2705
 435-259-1064

From: "Jocelyn Buck" <townclerk@castlevalleyutah.com>
Sent: Tuesday, June 8, 2021 10:06 AM
To: "Harry Holland" <harryh@castlevalleyutah.com>, "Jazmine Duncan" <jazmined@castlevalleyutah.com>, "OB@castlevalleyutah.com" <OB@castlevalleyutah.com>, "Pamela Gibson" <pamelag@castlevalleyutah.com>, "Robert OBrien" <bobrien1944@gmail.com>, "Tory Hill" <toryh@castlevalleyutah.com>
Subject: fw: RE: HB82 single family dwelling modifications questions

FYI

From: "Cameron Diehl" <cdiehl@ulct.org>
Sent: Monday, June 7, 2021 10:33 PM
To: "townclerk@castlevalleyutah.com" <townclerk@castlevalleyutah.com>
Subject: RE: HB82 single family dwelling modifications questions

Jocelyn,

Greetings! Yes, the legislature is continuously pushing on our local authority. We are urging all cities and towns, regardless of size, to meet with their legislators during the summer to talk about the unique housing and growth challenges in their communities. I urge Castle Valley leaders to meet with Rep. Watkins and Sen. Hinkins to discuss your unique circumstances. I suggest that you coordinate with ULCT board member and Moab Mayor Emily Niehaus to facilitate those conversations.

Cameron

From: Jocelyn Buck <townclerk@castlevalleyutah.com>
Sent: Monday, June 7, 2021 8:45 AM
To: Cameron Diehl <cdiehl@ulct.org>
Subject: RE: HB82 single family dwelling modifications questions

Happy WARM Monday !

Thanks for the info . We will have to get our Planning and Land Use Commission to dig into our Land Use Ordinance and make sure we are compliant with HB82 . This Legislature sure turns a blind eye to citizens wanting more local control . We are very sensitive to these issues because of the influence tourism has had on affordable housing for those workers providing basic infrastructure.

Thanks
Jocelyn

From: "Cameron Diehl" <cdiehl@ulct.org>
Sent: Thursday, June 3, 2021 10:30 PM
To: "townclerk@castlevalleyutah.com" <townclerk@castlevalleyutah.com>
Subject: RE: HB82 single family dwelling modifications questions

Jocelyn,

Greetings! I hope all is well in lovely Castle Valley. The easy answer to your question is yes. CV must allow internal ADUs in at least 75% of the area zoned residential.

The link below will take you to legislative recap materials which will help you understand the impact of HB 82. We spent a significant amount of time discussing it at the March 24 webinar which is linked therein.

<https://www.ulct.org/advocacy/legislative-wrap-up>

Holler if you need anything else.

Cameron

From: Jocelyn Buck <townclerk@castlevalleyutah.com>
Sent: Thursday, June 3, 2021 9:34 AM
To: Cameron Diehl <cdiehl@ulct.org>
Subject: HB82 single family dwelling modifications questions

Hi Cameron,

Hope you are doing well .The Town of Castle Valley needs some clarification on HB82 and it's application to our zoning ordinance. It refers to any single family dwelling zone being required to permit the interior adu. Our primary zone is RAR-1 which is Rural Agricultural Residential, so my first question is if this will apply to this zone? Other questions will be coming if the answer to the first one is yes! If possible we would like to know more information before our June 16th Council Meeting, our Planning Commission has requested direction. Links for both the bill and our zoning ordinance:

<https://le.utah.gov/~2021/bills/static/HB0082.html>

<http://www.castlevalleyutah.com/pdfs/Ordinance853Final4212021E.pdf>

Jocelyn Buck
Town Clerk
Town of Castle Valley