

## Conditional Use Permit Process Frequently Asked Questions

### **Q – What type of Conditional Use Permit do I need?**

A – Conditional Use Permits are divided into two categories: Permanent and Non-Permanent. Non-Permanent Permits cover applications such as home/premises businesses, livestock above a certain number, and agricultural fencing needs to list a few. Home/premises business applications may be considered routine or non-routine. Refer to the following questions for a description of each type of permit.

### **Q – What uses require a Permanent Conditional Use Permit?**

A – Permanent Conditional Use Permits are required for public buildings; new or substantial changes to existing irrigation ditches, spring-fed ponds, water pipelines, and flood control structures; windmills; above-ground water storage tanks that differ from those specified in Ordinance 85-3, Section 4.2.K; and schools, churches, cemeteries, parks, playgrounds, and arboretums. Permanent Conditional Use Permits run with the land and transfer to new owners automatically in the event of the sale of the lot and are not required to be renewed each year.

### **Q – Who needs a Non-Permanent Conditional Use Permit?**

A – Non-Permanent Conditional Use Permits are required for premises and home occupations; botanical nurseries; day care nurseries, family day care centers; fences that exceed four (4) feet in height and which encloses more than one (1) acre of land on lots designated for commercial agricultural use as provided in Ordinance 2003-3; and the raising care and keeping of more than one-half (1.5) animal units of livestock per acre on each legally platted lot as determined from section 4.9 of Ordinance 85-3 (see livestock limit information sheet). Home/premises Conditional Use Permits are considered to be Routine or Non-Routine, based upon their potential impact on the community. Non-Permanent Conditional Use Permits do not run with the land in the event of the sale of the lot on which the permit is issued and must be renewed each year.

### **Q – Who needs a Non-Permanent Home/Premises Conditional Use Permit?**

A – Anyone who has a home-based business in Castle Valley or uses their physical Castle Valley address as their business address is required to obtain a Conditional Use Permit, unless they meet the requirements for a permitted agricultural business as listed in Ordinance 85-3, Section 4.2. Home/premises occupations may be deemed Routine or Non-routine based upon the determination of the Building Permit Agent.

### **Q – What is a Routine Conditional Use Permit?**

A – A Routine Conditional Use Permit is for very low impact home/premises occupations.

### **Q – What is a Non-Routine Conditional Use Permit?**

A – A Non-routine Conditional Use Permit is for uses that have greater than normal impacts, such as from traffic, noise, fumes, and toxic, flammable or other hazardous materials which may result in conditions being placed on the use, or may be sufficiently unique as to require advice or other services to the Town by professional parties to properly evaluate its compliance with Town Land Use Regulations and its impact in the zone in which the land use it to be located.

### **Q – If the “use” is agricultural, does the owner need a Conditional Use Permit?**

A – If the “use” meets all the requirements set forth in Ordinance 85-3, Section 4.2, then the activity is allowed without a Conditional Use Permit. The applicant must still obtain a business license. One stand is allowed for the display and sale of agricultural products raised on the premises. If customers are coming on to the premises for any other reason, then a Non-Routine Conditional Use Permit for a home/premises occupation is required.

### **Q – What are the fees?**

A – The initial application fee is \$35.00 for routine Conditional Use Permits and \$50.00 for nonroutine Conditional Use Permits; this covers both the one-time conditional use permit fee and the first year’s business license, if needed. The fee for business license renewal is \$10 per year after the first year. There is no fee for continuance of the conditional use permit; it is renewed automatically unless the property owner or the Town Council makes a change or if the Town Council determines that one or more of the conditions of the permit are not being met.

### **Q – If the request for a permit or license comes in “later in the year”, can the property owner/resident receive a prorated fee?**

A – No, because the fee covers expenses, including time spent by the Town to process the permit/license.

**Q – If the property owner/resident has more than one business, can the fee cover both?**

**A – No, because the fee covers the processing (same as above).**

**Q – If the property owner/resident has more than one business, can they apply for both on the same form?**

**A – No, because each business will be treated separately in terms of conditions applied.**

### **Steps in the Conditional Use Permit and Business License Process for Home and Premises Occupations and Other Uses Requiring a Non-Permanent Conditional Use Permit**

- 1.** The applicant is provided with an information sheet, a copy of the related sections of the Town's Land Use Ordinance, and a questionnaire.
- 2.** The Building Permit Agent determines whether or not the application is routine or non-routine by interviewing the applicant to discuss the questionnaire and to determine the extent of impact from the business or other use and whether additional conditions may be required by the Town.
- 3. If the application is deemed routine,** the Building Permit Agent will issue Routine Conditional Use Permit Application Form A and can approve and sign it after receiving a complete, signed application and payment of the initial permit fee from the property owner/resident. Notice will be sent to adjacent property owners to inform them that they may appeal the routine designation to the PLUC within 15 calendar days after the date when the Building Permit Agent makes the determination.
- 4.** If the Building Permit Agent determines an application to be non-routine, he/she will issue Non-Routine Conditional Use Permit Application. The applicant will complete and sign the Application and return it to the PLUC Clerk, with the designated fee, a minimum of 30 days prior to the PLUC Meeting at which it will be heard. After the PLUC Clerk receives a complete, signed application, a site map, payment of the initial permit fee, and all other requested information from the property owner/resident, the item is placed on the agenda for the designated PLUC meeting. A notification letter will be sent to all property owners adjacent to the lot requesting a Conditional Use Permit that includes: information on the Conditional Use Permit; date, time, and place of the PLUC meeting at which the conditional use permit or business license application will be considered; and notice of the adjacent property owners' right to comment on the conditional use permit application by mail or in person at the meeting. **THE APPLICANT MUST ATTEND THE PLUC MEETING.**
- 5.** The PLUC reviews the application, asks questions of the applicant, adds conditions to the application, and votes to recommend or not recommend approval of the application to the Town Council.
- 6.** The Town Council reviews the application and PLUC recommendation at their next meeting, asks questions of the applicant, may add or amend conditions recommended by the PLUC and makes a decision to approve or not to approve the conditional use permit. **THE APPLICANT MUST ATTEND THE TOWN COUNCIL MEETING.**
- 7.** After an application is approved by the Town Council, it is filed, the check is cashed, and a copy of the permit and business license (if required) is sent to the applicant by the PLUC Clerk.
- 8.** In November, the PLUC Clerk sends a letter and renewal form to each conditional use permit and business license holder asking if they have any changes to report and if they wish to renew their conditional use permit and business license (if applicable).
- 9.** Those who request a continuance of their conditional use permit and business license must send in their request by the date provided in the renewal letter. The conditional use permit will renew without any additional fees as long as the resident has not made any changes to the conditional use and as long as a complete renewal form has been returned, all of the conditions of the permit are still being met, and no violation of the provisions of 85-3 pertaining to conditional use permits has occurred. If changes have been made, the resident must reapply and a new fee must be sent with the renewal request. The renewal approval will be processed in the same manner as a new application as described in the Steps above. To request renewal of a business license, the applicant must submit a \$10 renewal fee by December 1. Renewal requests are reviewed by the PLUC at their December meeting. The PLUC recommendations regarding renewals and information from each conditional use permit and business license holder are referred to the Town Council for a vote at their December meeting. Business licenses and conditional use permits approved for renewal by the Town Council are effective as of the first day of January of the following year.
- 10.** At the time of renewal, the Town Council may amend the conditions imposed and may also add new conditions as provided for in Ordinance 85-3 if they find that such changes are necessary to ensure that the impacts of the conditional use do not exceed the impact of permitted uses in the zone in which the lot is located. If such changes are made, a new application and an additional fee will be required from the applicant. The Town Council may also refuse to renew the conditional use permit if it concludes that conditions cannot be imposed to adequately mitigate the negative impacts of the conditional use or if it determines that one or more of the conditions of the permit are not being met. The Town further reserves the right to require any Routine Conditional Use Permit holder to go through the full Nonroutine permit process if any questions of impact arise.