

Ordinance 95-6 Amended ~~January 16, 2019~~ 1/4/2024 proposed

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

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

**(This Ordinance dated ~~January 16th 2019~~xxx 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~~ waterways on individual lots may adversely impact ~~T~~town roads, ~~and~~ other public infrastructure, and neighboring properties, and

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

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

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

SECTION 1: SIGNED FORMS AND AGREEMENTS REQUIRED: The Town will have a Castle Valley Building Permit Information Sheet and other Land Use Applications which specify the submissions, forms, and agreements which the Town requires in order to ~~gain~~ 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 (ref as defined in Ordinance 85-3-Definitions).

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~~ grant 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. When plumbing is present, a copy of the final approved and signed South East Utah Health Department Application for Onsite Waste Water Review including all attachments such as the required property map.~~
- ~~d.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).
- ~~e.d.~~ An Acknowledgement of One Dwelling Per Platted Lot ~~Single Dwelling Acknowledgment Form~~ (signed by applicant).
- ~~f.e.~~ An Acknowledgement of Short-Term Rentals Prohibited Short-Term Rentals Prohibited Acknowledgement Form (signed by applicant).
- ~~g.f.~~ A Geologic Hazards Release Agreement (signed by applicant).
- ~~h.g.~~ A Drainage Review Form Land Disturbance Review as described in Section 1.3 of this Ordinance (signed by ~~the~~ Roads Manager or other designated official); ~~and~~ that shall expire after 12 months unless a complete Building Permit Application is submitted to the Town within that period).
- ~~i.h.~~ (Where applicable) An Acknowledgment and Release Agreement for lots without legal access (signed by applicant).
- ~~j.i.~~ (Where applicable) A Temporary Dwelling Permit.
- ~~k.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.
- ~~l.k.~~ (Where applicable) An approved Right of Way Encroachment Permit signed by the Roads Manager or other designated official.
- ~~m.l.~~ (Where applicable) A Grade Review to determine Eexisting 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.
- ~~n.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 Eexisting Grade or an estimation of pre-development topography.

Commented [CT21]: This item is for situations with a pre-existing septic system. The County will not issue a building permit for a project with plumbing without also getting SEUHD approval on the building permit application. Our requirement for this is therefore superfluous (which was pointed out to me by the County Building Department). We usually already have a plot plan showing the septic system from the original septic permit.

Commented [CT22]: Updating the names of these acknowledgments, to match the forms currently in use.

~~e-n.~~ 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.
- ~~e-f.~~ (Where applicable) a Land Disturbance Review performed by the Roads Manager or other designated official.
- ~~f-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 in the following cases:

- a. ~~a.~~—Land Disturbance of 1 acre or more; Utah licensed engineering required if greater than 2 acres. Approval is ~~c~~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/requested by the Roads Manager or other designated official as a part of the Land Disturbance Permit, which may include, but not limited to:

- a. ~~1-~~ Revegetation of disturbed areas.
- b. ~~2-~~ Riprap/armoring on erosion prone areas.
- c. ~~3-~~ Silt fencing or other silt retention methods.
- d. Timeframe for mitigations.

~~Signed forms and other submission requirements [to be determined and to include 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~~right of way encroachment permit~~ application. Town ~~zoning a~~Approval ~~for a permit~~ for a new building or addition may be denied if any changes have already been made to any wash, drainage or waterway 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~~drainage review~~.

SECTION 5: ~~In order to determine existing grade, a Grade Review by the Town's Building Permit Agent must be completed prior to commencing any human-made cuts, fills, excavation, grading or similar earth-moving process to prepare any building site, septic system and associated plumbing, pad, foundation, driveway or removal of a~~

~~structure and provisions as further provided for in Chapter 5 of Ordinance 85-3, as amended. 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 Chapter 5.7.B; and Section 1.1.1 of this Ordinance).~~

Commented [CT23]: To be consistent with 85-3 5.7.B

Actually, doesn't this Section 5 repeat what is in Section 1.1.1? Does it need to be in both places? Could we delete Section 5?

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

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

review of the Land Use Application and their recommendation for action to the Town Council. Town approval for Land Use Applications for which the Town Council is the Land Use Authority shall take the form of the signature of the Mayor on the appropriate Land Use Application Permit form after an affirmative majority vote by the members of the Town Council present at an Open Public Meeting.

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

SECTION 7: REVOCATION OF TOWN BUILDING PERMIT APPROVALS:

- a. Grand County Building Permit Application forms must be signed by the Designated Castle Valley Land Use Authority and then the Grand County Building Department (also by the Local Health Department if there is a septic system) to be a complete and valid permit.
- b. Town Approval of a Building Permit Application, an Electrical System Permit Application, or a Solar Energy System Permit Application will be revoked and become invalid if, within six months of receiving Town Approval, the Applicant has not received a completed Building Permit, Electrical Permit or Residential Solar Photovoltaic System Plan Review (PV Plan Review) from the Grand County Building Department with all fees paid. If the Town's Approval is revoked on this basis, the fee paid to the Town will not be refunded. If the applicant wishes to start the application process again, new forms must be filed and a new fee must be paid.
- c. If the County revokes a completed Building Permit, Electrical Permit or PV Plan Review for any reason, the Town's Approval is also revoked. If the applicant wishes to revive such an application, the applicant must begin anew the application process with the Town. In such an instance, the original fee will not be refunded and new forms must be filed and a new fee must be paid.
- d. The applicant may extend the Town's Approval for an additional six months with no additional fee as long as: no changes have been made to the applicant's proposed building, addition, electrical system, or solar energy system; no changes have occurred in the Town's Land Use Regulations since

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the applicant's original approval by the Town that would affect the application; the request is made before the expiration date of the permit; and the Town's Approval has not been revoked for any reason. If any of the above have occurred, the applicant must begin anew the application process with the Town.

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

SECTION 9: PENALTIES AND FINES:

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

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

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

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

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

Those voting NAY: ~~None~~

Those ABSENT: ~~Council Member O'Brien~~

APPROVED:

ATTESTED:

Jazmine Duncan, Mayor

Jocelyn Buck, Town Clerk