



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

Date: Wednesday, September 1, 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, Chair 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 Zoom 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 Zoom conference call Meetings or submit comments through emails.

**PLEASE NOTE, WE HAVE TRANSITIONED TO ZOOM
** HOW TO JOIN THE ZOOM CONFERENCE CALL ****

Meeting ID: 660 541 0108 Passcode: 84532

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

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

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

CALL TO ORDER PUBLIC HEARING

Determination and Roll Call

1. Proposed change to 85-3 shipping container ordinance language
2. Permitted use of Internal Accessory Dwelling Unit language within Ordinance 85-3 as required by HB 82
3. Adjourn Public Hearing

CALL TO ORDER REGULAR MEETING

Determination and Roll Call

1. Adoption of Agenda
2. Open Public Comment
3. Approval of Minutes Regular Meeting 8.4.2021
4. Reports - Correspondence: TBA
 - Town Council Meeting(s) - Thompson
 - Building Permit Agent Report - Thompson –
 - Permit Activity
 - Updates on Recent Applications
 - Procedural Matters:

NEW BUSINESS

5. Discussion and Possible Action re: Proposed change to 85-3 shipping container ordinance language
6. Discussion and Possible Action re: Permitted use of Internal Accessory Dwelling Unit language within ordinance 85-3 as required by HB 82, including additional draft language in appendices

UNFINISHED BUSINESS-None

CLOSED MEETING- if needed

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”

NEW BUSINESS

5. Discussion and Possible Action re: Proposed change to 85-3 shipping container ordinance language

6. Discussion and Possible Action re: Permitted use of Internal Accessory Dwelling Unit language within ordinance 85-3 as required by HB 82, including additional draft language in appendices

UNFINISHED BUSINESS

7. None

CLOSED MEETING

8. If Needed

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"

**Notice of Public Hearings
Town of Castle Valley
Planning and Land Use Commission**

Wednesday, September 1, 2021, at 6:30 p.m.

**Amendments to Land Use Ordinance 85-3: regarding
Internal Accessory Dwelling Units for compliance with House Bill 82.**

**Amendments to Land Use Ordinance 85-3: chapter 5.5 regarding
Shipping Containers**

**A DRAFT OF PROPOSED AMENDMENTS WILL BE AVAILABLE
AT THE TOWN OFFICE AND ON THE TOWN WEBSITE:**

**<http://www.castlevalleyutah.com> This Hearing will be held by Zoom
how to join will be posted on the Agenda on the town website.
You may also comment by email any time prior to the September 1
meeting by sending an email to the Planning and Land Use Clerk at
jessicam@castlevalleyutah.com**

Proposed Amendments to Land Use Ordinance 85-3: Chapter 5.5 regarding Shipping Containers

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.

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.

Commented [CT1]: So we already had language in the ordinance regarding shipping containers, although this is a more broad definition than "intermodal shipping containers". For instance, 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

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.

Proposed Amendments to Land Use Ordinance 85-3: regarding Internal Accessory Dwelling Units for compliance with House Bill 82

Page 1 CHAPTER 5 PERMITTED AND CONDITIONAL USES - 5.10 (addition)
5.10 - INTERNAL ACCESSORY DWELLING UNIT

Page 6 DWELLING definition:

Any building or structure that is used and occupied as a residence regardless of the type of building, facilities it contains, or intended future use. Residing in additional structures, such as but not limited to accessory buildings, Temporary Dwellings, and other temporary structures that cannot be given building permits such as Yurts and Teepees is not permitted if another structure is being used as a residence. A Dwelling is also defined as any building or portion of a building that includes all of the following: facilities for living/sleeping, food preparation, bathing, and sanitation (toilet, sink, and approved wastewater disposal system). Only one structure is allowed per legally platted lot that contains all of these facilities. Only one kitchen as defined in this Land Use Ordinance is allowed per legally permitted Dwelling. Additional kitchens may be allowed in a separate building through an approved conditional use permit. Yurts, teepees and other temporary structures that cannot be given building permits are considered Dwellings if used and occupied as a residence.

Page 7 INTERNAL ACCESSORY DWELLING UNIT definition (addition):

An accessory dwelling unit used as a rental Dwelling or guest Dwelling, created within the footprint of the one allowed Primary Dwelling per legally platted lot, as described in Chapter 5 Section 10.

Page 7 KITCHEN definition:

An area within a building used, or designed or intended to be used, for the preparation of food. Only one kitchen is allowed per legally permitted Dwelling. Additional kitchens may be allowed in a separate building through an approved Conditional Use Permit.

PAGE 8 PRIMARY DWELLING definition (addition):

For the purposes of an Internal Accessory Dwelling Unit, a Primary Dwelling is a single-family Dwelling that is detached and occupied by the owner of record as the primary residence, as recognized by the Grand County Assessor.

Page 8 RENTAL DWELLING definition (addition):

A building or portion of a building that is used or designated for use as a residence by one or more persons, and is available to be rented, leased, or hired out for a period of thirty (30) days or longer.

Page 9 SHORT-TERM RENTAL definition:

Rental of property or improvements on property for a period of less than thirty (30) days. The Short-term Rental of property as defined herein is a commercial use of property. Short-term Rentals are not permitted.

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. They shall review and determine whether an application for a Land Use Decision is routine or non-routine 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 non-routine. The Building Permit Agent shall deem all Land Use Applications as non-routine 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.

Page 19 4.2-C:

One Single-family Dwelling and one Internal Accessory Dwelling Unit per legally platted lot, and buildings or structures accessory thereto.

Page 19 4.3:

Single-family Dwelling and Internal Accessory Dwelling Unit.

Page 19 4.4-A:

Short-term Rentals are prohibited. The use of property through rental arrangements for a period of less than thirty (30) days is a commercial use of property and is not permitted unless specifically allowed under other provisions of this Land Use Ordinance. The intent of this provision is to prohibit use of property for commercial rental as Short-term Rental accommodations.

Page 19 4.4-E:

Accessory Dwelling Units not within the footprint of the Primary Dwelling are prohibited.

Page 32 TAD

4.10.5 Expiration Of Permit

A. A TAD permit will expire immediately when any one (1) of the following occurs:

- 1) At the end of two (2) years, if the permit has not been renewed.
- 2) When the designated users of the TAD or the principal residence can no longer maintain a separate residence.
- 3) When there is no longer someone residing in the principal residence who can provide the needed assistance for the residents of the TAD.

Page 34 4.10.7 Compliance

F. All applicants must sign an acknowledgement of the number of permitted Dwellings per platted lot.

Page 37 4.15 ADDITIONAL KITCHENS EXCEEDING ONE PER LEGALLY PERMITTED DWELLING

Conditional Use Permits for kitchens exceeding one kitchen per legally permitted Dwelling shall be deemed non-routine. The purpose of this section is to allow lot owners to have additional kitchens in accessory structures, such as canning kitchens or kitchens that are part of a home-based business, while protecting the Town's residential and rural character and prevent Short-term Rentals, multiple Dwellings, duplexes, and mother-in-law apartments beyond what is allowed with an Internal Accessory Dwelling Unit. Additional kitchens that are used as part of a premises occupation Conditional Use Permit shall also follow the provisions as further provided for in Section 4.8 of this Land Use Ordinance. Property owners may have additional kitchens (as defined by this Land Use Ordinance) beyond one per legally permitted Dwelling through a nonpermanent Conditional Use Permit provided that the kitchen: does not create more than one kitchen per accessory structure; does not create a detached Dwelling as defined by this Land Use Ordinance; and is never used as part of an illegal Short-term Rental. If any of said instances occur, the nonpermanent Conditional Use Permit may be revoked or denied annual renewal, and removal of the kitchen will be required. This may include removal of some of the fixtures, facilities, or plumbing that are part of what defines a Kitchen 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. Conditional Use Permit applicants for additional kitchens are required to sign a statement of intended use, and a guarantee that the kitchen will never be used as part of an illegal detached Dwelling or Short-term Rental.

Page 39 5.5 ONLY ONE SINGLE-FAMILY DWELLING AND INTERNAL ACCESSORY DWELLING UNIT 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) residence which contains a Single-family Dwelling 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. One Temporary Accessory 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 permitted dwelling. 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 Single-family Dwelling and Internal Accessory Dwelling Unit per legally platted lot, and to prevent short-term overnight rentals, which are prohibited.

Page 41 5.10 INTERNAL ACCESSORY DWELLING UNIT (IADU):

One Internal Accessory Dwelling Unit is allowed within the building footprint of the Primary Dwelling. The IADU shall require a permit with annual renewal, whether used as a rental Dwelling or a guest Dwelling. The IADU Permit is non transferable. New owners of a lot that has a legally permitted IADU installed by previous owners 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 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. Verification that the property owner of record occupies the Primary Dwelling as their Primary Residence as recognized by the Grand County Assessor.
- B. 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.

C. Septic inspection and approval by Southeast Utah Health Department to ensure the septic system is adequate for the proposed use.

D. 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, and 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 Renewal of Permits

The IADU Permit shall be renewed annually to confirm continued compliance.

5.10.4 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 Kitchen 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.

5.10.5 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"). In the case of any differences between the language in this Section 5.10.5 and the Utah Code, the Utah Code shall govern.

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.
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, 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, 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.

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 Counsel shall hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act of the Utah Code 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 public hearing at least 14 days prior to the date of the public hearing.

E. If the Town Counsel determines at the public 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 the expiration of the 30-day cure period specified in 5.10.5.A.d above, regardless of whether the public hearing was held after the 30-cure period had expired. The Town may impose such lien each day until the violation is cured to the satisfaction of the Town.

F. If the Town Counsel determines at the public 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.

Suggested edits to clarify that enforcement of IADUs is independent of 85-3 Chapter 9
ENFORCEMENT

**Edits are underlined.

5.10.5 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"). In the case of any differences between the language in this Section 5.10.5 and the Utah Code, the Utah Code shall govern.

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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.
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, 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, 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.

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 Counsel shall hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act of the Utah Code 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 public hearing at least 14 days prior to the date of the public hearing.

E. If the Town Counsel determines at the public 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 the expiration of the 30-day cure period specified in 5.10.5.A.d above, regardless of whether the public hearing was held after the 30-cure period had expired. The Town may impose such lien each day until the violation is cured to the satisfaction of the Town. Notwithstanding the foregoing, any suspected violations relating to IADUs shall be administered in accordance with Section 5.10.5.

F. Suspected violations relating to IADUs shall be administered in accordance with section 5.10.5. In all other instances, if the Town Counsel determines at the public 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.

Suggested additional/edited Definitions

Page 6 ACCESSORY STRUCTURE definition (addition):

A structure that is accessory to and incidental (*subordinate*) to that of the Dwelling and that is located on the same lot.

Page 6 DWELLING definition:

Any building that contains one or two Dwelling Units that is used and occupied as a residence regardless of the type of structure, facilities it contains, or intended future use. 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 teepee, is not permitted if another structure is being used as a residence.

Page 6 DWELLING UNIT definition (addition):

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

Page 7 INTERNAL ACCESSORY DWELLING UNIT (IADU) definition (addition):

A Dwelling Unit used as a rental or guest Dwelling Unit, created within the footprint of the one allowed Dwelling per legally platted lot, as described in Chapter 5 Section 10.

5.10.1 Prohibitions:

- A. Rental of the IADU is strictly prohibited if the owner 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.

Background Information

Watching this HB82 video is instructive and helpful.

If the link doesn't go directly to the relevant clip, in the Markers list below the video, scroll down to the very last item before Adjournment.

<https://le.utah.gov/av/floorArchive.jsp?markerID=114346>