



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

Date: Wednesday, February 1, 2023

Time: 6:30 PM

Place: CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE

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.

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>

Commission Members Present: Ryan Anderson, Julie Baird, Marie Hawkins, Jeff Whitney (Colleen Thompson excused absent)

Clerk: Jessica Maw

Others Present: Jazmine Duncan, Jocelyn Buck, Tracie Harrison, McKenzie Goodenough

CALL TO ORDER REGULAR MEETING

Chairman Ryan Anderson called to order the Regular Meeting at 6:30 PM and issues the Electronic Meeting Determination.

1. Adoption of Agenda – Whitney moves to adopt agenda. Baird seconds. Motion passes unanimously.
2. Jocelyn Buck swears in Marie Hawkins.
3. Open Public Comment: None
4. Approval of Minutes Regular Meeting 12.7.2022 – Anderson recuses himself. Remove mention of Ryan’s name and replace with Julie’s as she chaired the last meeting. Hawkins moves to approve minutes as revised. Baird seconds. Motion passes.
4. Reports –
 - o Correspondence: None
 - o Town Council Meeting(s) – Given by Jazmine Duncan. December meeting had public hearing for input on CDBG. Brian Torgeson with SITLA visited, Under Canvas won the

bid on the parcel at the south end of the valley. No further information right now, but he is willing to come back if we'd like. Conditional Use Permits previously referred to Town Council were approved. Colleen Thompson and Marie Hawkins have decided to renew their terms on the PLUC. In January there were amendments to the town policy for COLA increase, and increase in flexibility for merit salary increases. Ryan asks if Brian Torgeson gave a date for when he'd be coming back with more information. Jazmine states it could be two years out before anything is put on the ground by Under Canvas, so there is some time for further input.

- o Building Permit Agent Report – Postponed
- o Procedural Matters - None

NEW BUSINESS

5. Discussion re: FEMA flood insurance informational updates –

Tracie Harrison: Alluvial fan is ancient deposits coming off of mountains like bluffs that appear to have fanned out over a geological timeframe when looking at a map. Alluvial fans don't have designated flood channels by their nature, so water can decide its own path through the fans. The town has had some flooding, so there might be areas of concern that the town would want to look at when putting together regulations for building.

Right now, the town is in a special area where nothing indicates there is a flood risk, but we know we do, and we will see this when the area eventually gets mapped with LIDAR (Light Detection and Ranging — a remote sensing method used to examine the surface of the Earth). National Flood Insurance Program came into being in 70's congressionally with limits on coverage for insurance policies. A community joining the NFIP program does so voluntarily between our community and federal government. State acts as intermediate and regulates the program by teaching communities what's involved with participating in the program and providing technical assistance. When a community first joins the program, they will do their mapping risks, then look at mitigation of risk through compliance and flood plain ordinances, and what flood insurance is provided. When a community joins the NFIP, community makes the decision to allow administration of special flood hazard areas through ordinance. In exchange for that is federally backed insurance. Also help with grant. Benefits: to help in development to protect people and properties through building regulations, reduce flood damage, and provide access to flood insurance to help pay for flood losses. It's there for when disaster assistance and disaster dollars are not accessible if when purchasing flood insurance, they're not waiting for an agency to declare a disaster for their losses to be mitigated.

Some of the things the federal government provides under the NFIP: ability to purchase federally backed flood insurance; gives access to hazard mitigation grant (HMA); and increases eligibility for grant money in the event of damage to public and privately owned facilities in the event of a declared disaster.

It would require that new buildings or substantially improved existing buildings in a flood prone area are built in a way that minimizes the possibility for flood damage by adopting NFIP flood plain regulations, and an ordinance and flood plain development permits that follow those regulations. Type of ordinance that the town need to carry depends on flooding map risk. Right now, because the town are a non-special flood hazard, the town don't have known map risks so the town can come into the program without having an ordinance and without having a flood

plain development permit. After the town is mapped, then the community is going to be required to be engaged in the process of developing the ordinance and flood plain development permits regulated by the NFIP. Depending on how the community is mapped will determine what types of regulations the community will need to follow. If the community decides they want to join, the town just needs to fill out an application and write a resolution of intent (letter of intent).

Flood insurance: If a property owner has a federally backed mortgage, they are required to purchase flood insurance if in a special flood hazard area. Right now, flood insurance wouldn't be required. 12 of last 15 presidentially declared disasters were floods. Some communities didn't meet the threshold for a declared disaster. So there was no federal disaster assistance available. In the event that a federal disaster is declared, the average payout per household is \$5000. The Small Business Association (SBA) will then offer low-interest loans for property owners to rebuild/repair their property. Average claim payout in Utah for flood insurance is \$69,000. The community can rely on disaster assistance, then supplemented by the loan through the SBA if they don't have flood insurance. Publically owned property would apply for Public Assistance funds. FEMA provides funds to repair infrastructure to get it back to where it was, but if there was reason to upsize for future hazard mitigation, there could be additional funds available through grants.

A community that participates in the NFIP has access to the NFIP for flood insurance. They don't have to participate in the NFIP to get access to private insurance. Private insurance is expanding; they're not backed by federal dollars and have different coverage and deductibles. Benefits of having NFIP coverage is the deductibles are a set amount, which is typically less than through private insurance. Limitations of NFIP: ground water not covered by NFIP; has to be overland flows or mud flows; two properties or five acres must be affected to be considered eligible for a claim.

All structures currently built would be covered. If after participating in the NFIP they sustain flood damage to more than 50% of the structure's market value, they would be considered to need Substantial Improvement, requiring the structures to abide by all adopted NFIP regulations and ordinances.

Jeff asks if even with the flooding in Moab last year, they did not get a disaster declaration and Tracie confirms that's correct. Moab sent in predeterminations to determine the amount of damage overall, then individual damages were looked at. Some roads are owned by the federal government, so the damages didn't meet the threshold for the state or FEMA.

Jeff indicates the town have a culvert in the town that if it was damaged, it would affect our ability to get in and out of town. He asks if there are federal grants in case of damage to the culvert. Tracie states the town would have access to grants and she can get the town in contact with the state flood hazard mitigation officer Kathy Holder (sic) for more information. Some grants require the town have an emergency mitigation plan. If the federal government knows the town is trying to build a safe community through developing ordinances, it would make the town's grant applications more competitive.

Ryan asks what the downside of joining the program would be. Tracie states the downside is regulating it. We may have community members that are not allowed to build in the way that they want to build. RVs that are not road ready could not sit in the same area for more than 180

days. RVs and other mobile homes would be required to elevate and be tied down per the regulations.

Julie clarifies as a follow-up, the ordinance that the town would have to create wouldn't happen now, we would submit the application with the intent that an ordinance would happen sometime later, the maps get completed. Chances are it will show we are in a special flood area. At that point, if we want to enable our residents to get federally backed flood insurance, we would need to participate in the NFIP. Tracie confirms this is correct and refers the PLUC to Title 44 Section 60.3 in the Federal Code of Regulations for the regulations the town would need to adopt: <https://www.ecfr.gov/current/title-44/chapter-I/subchapter-B/part-60/subpart-A/section-60.3> Tracie states the town would probably not have effective maps for another 4-5 years.

If the town joins the NFIP before the map is available, but then decide to back out once the map is made available, the town would be a "sanctioned community," which means the people who currently have insurance through the NFIP will get a letter stating their policies will not be renewed, and those with federally backed mortgages will get a letter stating they are no longer covered under NFIP funds and would be required to get private insurance. The town would not be eligible for federal disaster grant funds if they are sanctioned. In order to get out from under being sanctioned, there would be a review of the last five years of development in the community to identify any areas out of compliance and the town would need them back under compliance.

Jocelyn asks if FEMA will require the town to have our own Flood Plain Administrator. Tracie says the town could have our own Flood Plain Administrator, or the town could have a Memorandum of Understanding with the county's FPA that they would oversee flood plain permitting in the town since they have an engineer on staff, then it could be sent to the town to be signed off on.

Tracie and McKenzie are excused from the meeting.

Julie suggests keeping this matter on the agenda as an open discussion may be helpful as the PLUC continues to get additional information in order to give members of the community to get all the information.

Jazmine suggests the PLUC includes this as a part of the upcoming general survey.

Jazmine says this could potentially cause some of the lots in the town to become unbuildable. Jeff states that may trigger a future discussion about whether the town would allow leniency with setbacks and other parts of the ordinance.

Jocelyn asks what the town's liability is if we do nothing, if we don't participate once the maps are created. What's the town's liability if someone buys a lot and we don't let them build on it? Jeff doesn't believe we would have a liability if we don't participate, and they build and get flooded without flood insurance. He does believe there would be some liability if we don't let them build on a lot at all. Jazmine agrees, and adds there is still private insurance a property owner has access to.

Ryan says we should put this on next month's agenda, and in the interim if we have questions we could get those to Tracie and McKenzie. He will reach out to them for the PowerPoint in

tonight's meeting, as well as the links McKenzie provided in the Zoom chat. Jazmine suggests he ask for a sample ordinance as well.

UNFINISHED BUSINESS

6. NONE

CLOSED MEETING – None

7. **ADJOURNMENT** – Baird motions to adjourn. Chair Ryan Anderson adjourns the Regular Meeting at 8:05 PM.

Jessica Maw 