



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

**Date:** Wednesday, August 20, 2021<sup>[L:][SEP:]</sup>

**Time:** 6:30 PM<sup>[L:][SEP:]</sup>

**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, Pamela Gibson

Clerk: Jessica Maw

**CALL TO ORDER**

Chairman Ryan Anderson called the Meeting to order at 6:32 PM and delivered the Determination, and Maw took roll call.

Anderson gives instructions on best practices during a virtual meeting: 1) Mute yourself when not speaking; 2) Use the Raise Hand prompt if you would like to comment; 3) Turn off camera while speaking to avoid interference; 4) State your name when you begin speaking to allow others to know who is speaking; 5) Share comment time with others by not interrupting or speaking over each other.

1. Open Public Comment: None

**NEW BUSINESS**

2. Discussion and Possible Action re: Permitted use of Internal Accessory Dwelling Unit  
Anderson lists goals for tonight's meeting: 1) Read through draft language thoroughly to ensure that we have covered requisite language to meet requirements stated in HB 82; 2) Ensure that we have essential language to maintain and secure the quality of life for residents of Castle Valley now and in the future; 3) Co-create a final draft that can be posted August 23, 2021 in the Public Hearing packet and Regular Meeting packet for September 1, 2021.

Julie suggests to capitalize all definitions throughout document.

Jeff states there may be conflict in the language with existing detached structures with a bedroom and if an IADU is allowed. Ryan indicates that HB 82 states it must be within the footprint of the main Dwelling, but we may need to discuss detached structures at a later date. Place an asterisk near the word footprint so we may define it further at a later date. Colleen points out the possible conflicts in the language where the word Dwelling is used, suggests using Primary Dwelling when referencing the main dwelling per its definition. Jeff states his concern of how we determine if a residence is someone's Primary Dwelling. Colleen indicates per her discussion with the County, the assessor makes this determination, which we will use as the basis for the definition of Primary Dwelling. Julie suggests adding to the definition: "...occupied by owner of record and the primary residence, as recognized by the Grand County assessor." Jessica suggests also adding to the beginning of the Primary Dwelling definition: "For the purposes of an IADU..."

In the Short-term Rental definition, Julie suggests removing the phrase "in this ordinance," but Jeff states it's important to reiterate here to make it clear Short-term Rentals are not allowed. Julie states it may cause confusion that outside of the ordinance, it may be permitted. The phrase is removed.

On page 19 4.4-E, Jeff reiterates confusion over whether accessory structures are considered a Dwelling. Ryan indicates Town Council has asked PLUC to discuss clarification of the definition of Dwelling at a later date.

Regarding page 32 TAD, Colleen states this is existing language, wants to make sure with our new definition of Primary Dwelling that we're not causing conflict. Thinks we have made appropriate changes, but there may be lingering conflict with the use of principal residence in this section.

On page 34 4.10.7 Compliance, Julie and Colleen suggest we add "All applicants must sign an acknowledgment of the number of permitted Dwellings per platted lot."

Within page 37 4.15 Additional Kitchens Exceeding One Per Legally Permitted Dwelling, Jeff suggests using the language "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." This correction will be made in other sections of the ordinance that references Kitchens.

Reviewing page 39 5.5 Only One Single-family Dwelling and Internal Accessory Dwelling Unit Per Platted Lot, Jeff reiterates concern with the existing language where the definition of Dwelling is not clear and causes conflict with the discussion around IADUs. Colleen indicates that we need clarification from the Town Council that detached bedrooms are allowed under the current ordinance and we need further clarification on the definition of Dwelling. We should re-check HB 82 for further guidance on if detached structures are allowed. Ryan discusses the idea of creating language to solve this discrepancy, including possible language to Grandfather existing detached structures. There is further discussion among PLUC about the definition of footprint, and it's decided this should be a future conversation. Colleen suggests the Town should improve its enforcement procedures to alleviate violations that are outside of the new language. Ryan reiterates the language needs to reflect the present and historic values of Castle Valley. Ryan suggests we seek guidance from League of Towns and Cities. Colleen reminds that this language also needs to go before the Town Council and through legal review, so we may get

clarification on points that are uncertain at this point.

5.10 - Julie will make formatting revisions to this section, to be included in the Public Hearing packet.

Baird moves that we accept the language in this version of the draft document with the formatting edits that will be made by her and included in the notice for the Public Hearing on Monday August 23, 2021. Thompson seconds. Motion passed unanimously.

### **UNFINISHED BUSINESS**

3. None

### **CLOSED MEETING**

4. If Necessary

### **ADJOURNMENT**

Thompson moved to adjourn, Baird seconded, motion passed unanimously, Ryan Anderson (Chairman) adjourned the Meeting at 8:51 PM