

# Town of Castle Valley

## Ordinance No. 2004-2

### MASTER DEVELOPMENT PLAN/REZONING ORDINANCE

#### Article I. Preamble

A. The Town Council of the Town of Castle Valley, Utah, finds that it is in the public interest to respect the land ownership rights of property owners within the Town and those who may annex to the Town and to balance the property development interests of the owners with the protection of the quality of life in Castle Valley, the resource requirements of the land, public needs, and desires of the existing residents of the Town. To facilitate good land use planning practice, the Town requires a Master Development Plan for zoning and as a prerequisite to subdividing lands both already within, and in the future to be annexed to, the Town.

Be It Ordained by the Town Council of the Town of Castle Valley, Utah:

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#### Article II. Definitions

**Agent** – a natural person authorized by the owner of the Subject Property to bind the property owner to proposals, submissions and legal commitments concerning the property owner and the Subject Property.

**Applicant** – a natural person or entity submitting an application for approval of a MDP. The Applicant shall be either the owner of the Subject Property or the Agent of that owner.

**CFP** - Capital Facilities Plan as defined in Article X.

**Central Sewer System** – publicly owned sewer system, collection lines, mains and sewage treatment facilities, including the type, degree of sewage treatment and the capacity of the facility.

**Central Water System** – water storage, treatment and distribution facilities and the wells and other water sources, with their protection zones, for such facilities.

**Commission** – Planning and Zoning Commission of the Town of Castle Valley.

**MDP** – a Master Development Plan approved by the Town of Castle Valley Town Council designating land uses, zones and other features required by this Ordinance.

**MDPA** – an Agreement between the Town and the Applicant for a MDP documenting requirements, zoning and conditions affecting the land described in the MDP.

**Owner** – the fee owner of legal title to the Subject Property.

**Sketch Plan** – a drawing meeting the Sketch Plan requirements of this Ordinance.

**Street System** – the Transportation System for motorized vehicles.

**Subject Property** – the real property described in the MDP Application.

### **Article III. Applicability, Process and Overview of Procedures**

#### **A. Applicability**

The provisions of this Ordinance shall apply to all applications for rezoning. A MDP is required before subdivision of unplatted lands within the Town of Castle Valley.

#### **B. Process**

The MDP Application must be presented to the Commission and shall not be reviewed or approved by the Town Council without a recommendation from the Commission. All reviews will take place in accordance with the procedures specified in this Ordinance. Every MDP Application not processed as required herein shall be null and void. The Commission may hold work meetings to review the progress of the MDP Application, but the MDP cannot be recommended to the Town Council by the Commission or approved by the Town Council without a Public Hearing.

#### **C. Overview of Procedures**

The steps set forth below shall be followed, and may be combined only by special approval by the Commission and the Town Council:

1. Pre-Application Meeting

The proposed Applicant pays a \$500.00 fee and has a Pre-Application meeting with the Commission as specified in Article V.

2. Existing Resources and Site Analysis Plan

The proposed Applicant shall submit to the Commission [ten (10) days prior to the Site Inspection] an Existing Resources and Site Analysis Plan prepared in accordance with the provisions of Article VI.

3. Site Inspection

The proposed Applicant shall arrange for a site inspection of the Subject Property with the Commission and other Town agents and officials invited by the Commission. See Article VII.

4. In accordance with Article IV, Town determines Review Fee for reviewing and processing the Existing Resource and Site Analysis Plan and Sketch Plan and the Commission informs the Applicant of the required fee.
5. Applicant pays the required Review Fee to the Town.
6. Pre-Sketch Plan Conference  
The Applicant shall meet with the Commission for the purposes described in Article VIII.
7. Sketch Plan Submission and Review  
A Sketch Plan, meeting the requirements of Article IX, shall be submitted by the Applicant to the Commission.
8. Review of Sketch Plan  
The Commission shall review and comment on the Sketch Plan in accordance with Article IX.
9. Application for approval of a MDP for the Subject Property shall be filed with the Town Clerk by Applicant. The Application shall conform to Article X and the MDP shall include all documents referenced in, and shall conform in all respects to, the provisions of Articles X and XI.
10. Application for the MDP is referred to the Commission.
11. Town determines MDP Application Fee in accordance with Article IV and the Commission informs the Applicant of the required fee.
12. Applicant pays the required MDP Application Fee to the Town.
13. Review process of the Application for the MDP and the CFP is conducted by the Town in accordance with Article XI: (i) Applicant shall be required to enter into a MDPA as required by the Commission; and (ii) during the Town review process, sections of the CFP are also reviewed by Utah regulatory agencies as necessary.
14. Application for MDP, CFP and MDPA are approved, approved with changes, or are denied by the Town Council and Applicant is informed in writing of the Town Council's decision.
15. If the Town Council approves the MDP, CFP and MDPA, then
  - a. Town Zoning Ordinance is amended;
  - b. MDPA is signed by the Town and the Applicant; and
  - c. Notice of the MDP is recorded by the Town Clerk with the Grand County Recorder.

#### **Article IV. Contiguous Properties and Fees**

- A.** Every Application for a MDP shall identify all properties, contiguous to the Subject Property, owned or controlled by the owner and the Applicant, if different from the owner. The intent of this provision is to give the Town the ability to consider all of the property owned or controlled by a single owner, and the Applicant, if different from the owner, when a part of that property is submitted for a MDP.
- B.** The Applicant is required to pay all costs incurred by the Town in meeting and working with the Applicant and in reviewing and processing the Existing Resources and Site Analysis Plan, the Sketch Plan and the MDP Application. The Applicant shall pay three separate fees at the primary stages in the review process as specified below:
  1. Pre-Application Meeting Fee: Together with the written request for the Pre-Application meeting, the Applicant shall pay to the Town a \$500.00 fee.

2. Review Fee: After initial review of the Existing Resources and Site Analysis Plan, the Town will determine the amount of funds the Applicant must deposit with the Town to pay the costs of reviewing and processing the Existing Resources and Site Analysis Plan and the Sketch Plan. The Commission will inform the Applicant in writing of the amount of this fee, which Applicant shall pay before these plans are reviewed and processed.
  3. MDP Application Fee: After initial review of the MDP Application, the Town will determine the amount of funds the Applicant must deposit with the Town to pay the costs of reviewing and processing that Application. The Commission will inform the Applicant in writing of the amount of this fee, which Applicant shall pay before this Application is reviewed and processed.
- C. The three separate fees described above in **B** will be used by the Town only to pay the cost of meeting and working with the Applicant and in reviewing and processing the plans and Application. The Existing Resources and Site Analysis Plan, the Sketch Plan and the MDP Application are not complete nor shall be deemed filed with the Town until all fees referenced above in Article IV.B have been received by the Town.

## **Article V. Pre-Application Meeting**

The proposed Applicant shall submit to the Town Clerk a written request for a pre-application meeting with the Commission, including a legal description of the property proposed for an MDP. This request shall be accompanied by Applicant's payment of the \$500.00 Pre-Application Meeting Fee. The purpose of this meeting is to introduce the MDP Applicant to the Town's zoning and subdivision regulations and procedures, to discuss the Applicant's objectives, and to schedule site inspections, meetings and plan submissions as described in this Ordinance.

## **Article VI. Existing Resources and Site Analysis Plan**

### **A. Description**

An Existing Resources and Site Analysis Plan shall be prepared to provide the Applicant and the Town with a comprehensive analysis of existing conditions of all lands within the MDP boundaries and related properties. If the situation described in Article IV.A exists, then such properties contiguous to the Subject Property shall be described on the basis of existing published data available from governmental agencies and from aerial photographs or satellite images.

The Town shall review the Existing Resources and Site Analysis Plan to assess its accuracy and conformance with Town Ordinances, and shall use it to assess the likely impact of the proposed MDP upon the natural and cultural resources of the Subject Property, the Town and related properties.

The Applicant shall submit this Plan to the Commission at least ten (10) days prior to the Site Inspection described in Article VII. After Applicant receives the fee notice from the Commission (which notice is will be given after submission and initial review by the Commission of the Existing Resources and Site Analysis Plan), Applicant will pay the Review Fee, as described in Article IV.B.2.

### **B. Maps**

Unless otherwise specified by the Commission, maps for the Subject Property included in the Existing Resources and Site Analysis Plan shall be prepared at the scale of 1" = 100' or 1" = 200', whichever fits best on a single standard size sheet (24" x 36") to depict the features necessary to review. The following information shall be included in such map(s):

1. A vertical aerial photograph and/or true color satellite image and digital file with a resolution of 0.5 meters enlarged to a scale not less detailed than 1 inch = 400 feet, with

the boundaries of the Subject Property and location of the Subject Property relative to the Town clearly marked.

2. Topography of the Subject Property shall be shown by contour lines at two-foot intervals and determined by photogrammetry (although 10-foot intervals are permissible beyond the Subject Property boundaries, interpolated from U.S.G.S. published maps).
3. The location and delineation of ponds, streams, ditches, drains, and natural drainage washes, as well as the 100-year floodplain limits and wetlands.
4. Vegetative cover conditions on the property according to general cover type and the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
5. Ridge lines and watershed boundaries.
6. A viewshed analysis showing the location and extent of views into the property from within the Castle Valley River Ranchos, upper Castle Valley, Porcupine Rim, LaSal Loop Road, and Adobe Mesa.
7. Geologic formations on the Subject Property, including cliffs, sinkholes, and fault lines, based on published information or, if not available, from data developed by the Applicant.
8. All existing man-made features including but not limited to streets, roads, ponds, irrigation ditches, wells, septic systems, drainage fields, utilities, hydrocarbon wells, mines, and uranium bore holes.
9. Locations of all historically and archaeologically significant sites or structures.
10. Locations of trails that have been in public use (pedestrian, livestock, equestrian, bicycle, etc.).
11. A biological survey for species that are listed as endangered, threatened, or of special concern to federal or state regulators. This survey to be conducted by a mutually approved expert.
12. Wildlife range and corridors.
13. All easements and other encumbrances respecting the Subject Property which are or have been filed of record with the Grand County Recorder, along with all other prescriptive easements that are apparent by examination of the Subject Property (e.g., roads, ponds, irrigation ditches).

## **Article VII. Site Inspection**

The proposed Applicant shall arrange for a site inspection of the Subject Property with the Commission and other Town agents and officials invited by the Commission.

The purpose of the visit is to familiarize local officials and the Applicant with the Subject Property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of roads and public facilities. Comments made by Town officials or their staff and consultants shall be interpreted as being only suggestive, no formal recommendations can be offered, and no official decisions can be made, at the Site Inspection.

## **Article VIII. Pre-Sketch Plan Conference**

Following the site inspection and prior to the submission of the Sketch Plan, Applicant shall meet with the Commission to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the Subject Property. At the discretion of the Commission, this conference may be combined with the Site Inspection.

## **Article IX. Sketch Plan Submission and Review**

### **A. Purpose**

The Applicant shall submit a Sketch Plan as a basis for informal discussion with the Commission and the Town Council regarding the proposed MDP.

### **B. Description**

To provide a full understanding of the Subject Property's potential, the Sketch Plan shall include the information listed below. Many of these items can be taken from the Existing Resources and Site Analysis Plan. Furthermore, the Sketch Plan may be structured as an overlay sheet to the Existing Resources and Site Analysis Plan.

1. A general overview of the development of the Subject Property shall include potential locations of home sites and land conservation.
2. Streets (both existing and proposed) on and adjacent to the Subject Property.
3. 100-year floodplain limits, and approximate location of wetlands, if any.
4. Proposed major roads and public trail systems.
5. General description of proposed method and location of water supply, sewage disposal, and stormwater management, including test wells for water quality monitoring.

### **C. Commission Review**

The Commission shall review the Sketch Plan in accordance with the criteria contained in relevant Town Ordinances; provided, however, such review shall not take place until after Applicant has paid the Review Fee as specified in Article IV.B.2 and Article VI.A. During and after such review, the Commission shall informally advise Applicant of the extent to which the proposed Sketch Plan conforms to the relevant Town Ordinances, and may suggest possible modifications to the Sketch Plan that would increase its degree of conformance. Such review shall include but is not limited to:

1. The proposed location of all areas contemplated for major public facilities with respect to notable features of natural or cultural significance as identified on the Applicant's Existing Resources and Site Analysis Plan;
2. The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining properties;
3. The location of proposed access points along the existing road network;
4. The proposed building density and impervious coverage;
5. The compatibility of the proposal with respect to the objectives of the Town Ordinances; and
6. Consistency with the Town's General Plan.

Upon completing its review, the Commission shall submit its written comments to the Applicant and the Town Council.

## **Article X. Master Development Plan**

The MDP is an engineered scale-drawing in which layout ideas are illustrated in more than the diagrammatic manner appropriate for Sketch Plans. The MDP shall include all information required for Sketch Plans, specifically including the Existing Resources and Site Analysis Plan, plus further details as noted below.

**A. MDP Application Requirements**

The MDP shall include the following elements, and shall be prepared in accordance with the drafting standards and plan requirements described herein:

1. Existing Resources and Site Analysis Plan (see Article VI.);
2. Resource Impact and Conservation Plan (see Article X.C.);
3. Capital Facilities Plan (see Article X.D.); and
4. Zoning change nominations for each proposed zone or new type of zone, including density, zone boundaries and housing or other use type.

**B. Drafting Standards**

1. The plan shall be drawn to a scale of 1"=200' unless otherwise approved by the Commission.
2. Dimensions shall be set in feet.
3. All plans submitted shall be made on sheets no larger than 34" x 44" nor smaller than 17" x 22".
4. Each sheet shall have a North arrow if applicable.
5. Plans and maps shall bear the name, signature, address, and telephone number of the engineer, land surveyor, or landscape architect responsible for preparing the plan or map.

**C. Resource Impact and Conservation Plan**

This Plan shall set forth:

1. The general location and maximum size in square feet of foundation and total area of each home site and the total number of such sites;
2. Primary Conservation Areas such as floodplains, drainages, riparian areas or wetlands, wildlife habitat, slopes over 25 percent, and other undevelopable lands; and
3. Approximate location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.

**D. Capital Facilities Plan**

The Applicant shall provide approvable plans for all public Capital Facilities proposed for service to the Subject Property, including each of the following items, in form required by Utah law:

1. Water

- a. Applicant shall provide the Subject Property with water rights approved in advance by counsel to the Town sufficient to provide the quantity of water required by the Town for the proposed development, or indicate that the Applicant's Subject Property has no water rights and that the Applicant will pay the Impact Fees (in effect compensate the Town) for Water Rights as required by the Town.
- b. Applicant shall demonstrate the presence of actual water through test wells or other hydrologic studies approved by the Town to meet the requirements set forth immediately above in D.1.a.
- c. Where a Central Water system is proposed, the Applicant shall provide:
  - (1) The conceptual layout and locations, whether within or without the Subject Property, of the proposed water treatment and distribution facilities;
  - (2) The proposed type and capacity of such facilities;

- (3) The proposed location(s) of wells or other water sources, the Preliminary Evaluation Report filed with the State of Utah Drinking Water Division, and their protection zones whether within or without the Subject Property;
  - (4) The estimated cost of constructing and developing the Central Water System and the entity(ies) proposed to pay such cost;
  - (5) The estimated cost of operating and maintaining the Central Water System for the first two (2) years of operations and the entity(ies) proposed to pay such cost; and
  - (6) The entity proposed to own and operate the Central Water System.
- d. Where individual wells are proposed, the general location of each well.
2. Waste Water
- a. Where a Central Sewer System is proposed, the Applicant shall provide:
    - (1) The conceptual layout and location, whether within or without the Subject Property, of proposed sewer mains and sewage treatment facilities;
    - (2) The type and degree of sewage treatment;
    - (3) The capacity of such facilities;
    - (4) The proposed plan for the disposal of treated waste water and residuals;
    - (5) The estimated cost of constructing the Central Sewer System and the entity(ies) proposed to pay such cost; and
    - (6) The estimated cost of operating and maintaining the Central Sewer system for the first two (2) years of operation and the entity(ies) proposed to pay such cost.
  - b. Where individual septic systems are proposed, the location of each such system and its drainfield and the proposed septage management plan.
3. Street System
- a. With respect to the Street System, which shall include all proposed streets, street rights-of-way, related improvements (including, without limitation, bridges, culverts, traffic control signs and street signs), and easements, Applicant shall provide:
    - (1) The approximate location, alignment and width of such streets;
    - (2) The number of proposed street miles;
    - (3) A description and number of all Street System related improvements;
    - (4) Proposed easements, including locations and dimensions; and
    - (5) Proposed ownership of the Street System.
  - b. With respect to the costs of constructing and maintaining the Street System, Applicant shall provide:
    - (1) The estimated cost of construction and the entity(ies) proposed to pay such cost; and
    - (2) The estimated cost of maintenance for the first two (2) years of operation and the entity(ies) proposed to pay such cost.
4. Fire Suppression System
- Applicant shall provide a general description of the proposed Fire Suppression System, which may include dedicated wells and related fire-fighting equipment. In addition, Applicant shall provide the (i) estimated costs of construction and operation and maintenance for the first two (2) years, and (ii) the entity(ies) proposed to pay such costs, and to own and operate such system.

5. Stormwater Management, Erosion and Sedimentation Control System

Applicant shall provide a general description of the proposed Stormwater Management, Erosion and Sedimentation Control System, which shall include, without limitation, structural and non-structural methods, as well as revegetation and other appropriate measures, to control stormwater runoff, erosion and sedimentation. In addition, Applicant shall provide the (i) estimated costs of construction and operation and maintenance where appropriate, and (ii) the entity(ies) proposed to pay such costs, and to own and operate such system.

6. CFP Review and Determination

The required CFP shall be considered, reviewed and approved with the related Economic Analysis and Impact Fee Study required by Utah. The CFP shall be approved, approved with changes, or disapproved concurrently with a final decision by the Town Council on the MDP.

**E. Zoning Change**

If the number, location and density of the proposed home sites on the Subject Property require a zoning change, the Applicant shall submit a written request for such change.

**Article XI. Submission and Review of the Master Development Plan**

**A. Submission by Applicant**

1. The Applicant shall submit to the Town Clerk thirteen (13) copies of a MDP prepared in accordance with Article X. Determination and payment of the MDP Application Fee shall be in accordance with Article IV.B.3. No Application shall be deemed filed unless all requirements have been met and all fees paid in full. The Town Clerk shall note the dates the Application and fees were received and shall forward copies of the MDP as specified below:
  - a. Five (5) copies to the Commission;
  - b. One (1) copy to the Town Engineer;
  - c. Five (5) copies to the Town Council; and
  - d. Two (2) copies for the Town files.
2. The Town will provide an application form for the approval of an MDP, which form Applicant must complete and then file with the Town, together with the documents specified in Article X, all in accordance with the provisions of this Article XI. .
3. When the Application is complete, the Town shall notify the Applicant. If the Application is defective or incomplete, the Applicant shall be notified in writing of the defective or incomplete items and given the opportunity to correct or supply the same. If within a reasonable time the Applicant fails to so do, the Application shall be null and void ad initi, and shall be deemed withdrawn by the Applicant.

**B. Commission Review**

1. The Commission shall review the MDP and any recommendations made by State and Federal agencies and the Town Engineer and shall decide if the MDP conforms to all relevant Ordinances and requirements of the Town, the State of Utah and the Federal Government.
2. During its review of the MDP, the Commission may hold one or more working sessions with the Applicant, at which time the Commission may discuss with Applicant additions, deletions and other modifications to the proposed MDP. Furthermore, the Commission shall meet with the Applicant to itemize the commitments of the Applicant and the Town in a Master Development Plan Agreement (MDPA). Prior to the MDP being referred to the Town Council, the Applicant shall confirm in writing that it will execute the MDPA if it is approved by the Town Council.

3. After such review, and prior to any action by the Town Council, the Commission shall hold a public hearing and thereafter forward the proposed MDP and MDPA and its written recommendations, containing its reasons therefor, to the Town Council and the Applicant.

### **C. Town Council Review**

1. The Town Council shall not approve the MDP and the MDPA until the Town has been notified by the relevant Utah regulatory agencies that they have approved the Water and Waste Water sections of the CFP under consideration, which are subject to the jurisdiction of Utah State agencies.
2. When the recommendations on the MDP and the MDPA have been officially submitted to the Town Council by the Commission and the tasks in C.1 above have been completed, the MDP, MDPA, CFP and related Impact Fee Study and Impact Fee Enactment shall be placed on the Town Council agenda for consideration.
3. The Town Council may, at one or more regular or special public meetings, review the MDP, MDPA, CFP and Impact Fee Study and Impact Fee Enactment and shall hold the public hearings as required by Utah law.
4. In acting on the MDP, MDPA and CFP, the Town Council may take any of the following actions:
  - a. Approve the MDP, MDPA and the CFP.
  - b. Approve the MDP, MDPA and CFP with changes, modifications and additions. The Town Council may return the MDP and the MDPA to the Commission for modification in accordance with the Town Council's decision. In making such modifications, the Applicant may identify alternative ways of satisfying the Town Council's concerns. The Applicant shall then submit the modified MDP and MDPA to the Commission for review in accordance with this Article.
  - c. Disapprove the MDP, MDPA and CFP.
5. If the MDP, MDPA and CFP are not approved, the Town Council shall make findings of fact, reasons for disapproval, and shall cite in each case the provisions of the Town ordinances and requirements and/or county, state or federal laws or regulations relied upon.
6. The decision of the Town Council shall be in writing and shall be communicated to the Applicant by regular mail posted through the U.S. Postal Service addressed to the Applicant's address for the receipt of notices as set forth in the Application. Such notice shall be deemed received by Applicant five (5) days after being posted.
7. If at any time the Applicant submits an amended or revised MDP, it shall be deemed a new MDP. No new MDP Application fee shall be required for any revision submitted within two years of the first Application; however, the Town shall assess to Applicant the costs of reviewing the revised submission in advance of the Town's review.
8. Copies of the MDP, MDPA and CFP as finally approved with the appropriate Ordinance of the Town Council shall be distributed as follows:
  - a. One (1) copy to the Applicant;
  - b. One (1) copy to the Commission;
  - c. One (1) copy to the County Health Department; and
  - d. One (1) copy to be retained in the Town files by the Town Clerk as required for official government records.
9. If the MDP is approved, the Town Clerk shall record notice of the MDP with the Grand County Recorder.

**ARTICLE XII. Effective Date.**

1. This Ordinance shall take effect upon its first posting.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

TOWN OF CASTLE VALLEY

\_\_\_\_\_  
Bruce Keeler, Mayor

ATTEST:

\_\_\_\_\_  
Clerk