



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

Date: Wednesday, October 6, 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 REGULAR MEETING

Determination and Roll Call

1. Adoption of Agenda
2. Open Public Comment
3. Approval of Minutes Regular Meeting 9.1.2021
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: Dark Sky Ordinance
6. Discussion and Possible Action re: Updates to Ordinance 95-6 to comply with updates previously made to Ordinance 85-3 as required by HB 82
7. Discussion and Possible Action re: Update to Building Permit Application to comply with updates previously made to Ordinance 85-3 as required by HB 82

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"



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

Date: Wednesday, September 1, 2021^[L]_[SEP]

Time: 6:30 PM^[L]_[SEP]

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, Mary Wakeley, Tory Hill

Clerk: Jessica Maw

CALL TO ORDER PUBLIC HEARING

Chairman Ryan Anderson called the Meeting to order at 6:36 PM and delivered the Determination, and Maw took roll call.

1. Public Comment re: Shipping Container Language Update to 85-3: None
2. Public Comment re: IADU Language Update to 85-3: None

ADJOURNMENT

Baird moves to adjourn, Whitney seconds, passes unanimously. Ryan Anderson (Chairman) adjourns the hearing at 6:44 PM.

CALL TO ORDER REGULAR MEETING

Chairman Ryan Anderson called the Meeting to order at 6:44 PM and delivered the Determination, and Maw took roll call.

1. Adoption of Agenda: Baird moves to amend agenda re: HB 82 to allow additional IADU language to be considered. Per Robert's rules, we want to be sure we include additional proposed language since last PLUC meeting, in order to finalize Ordinance language this evening. Thompson seconds. Motion passes unanimously.
2. Open Public Comment: None
3. Approval of Minutes from August 4, 2021 & August 20, 2021.
Thompson motions to approve with corrections - second page, 3rd paragraph, item 7 clarify "anything in separate building should be IADU". Two paragraphs down, "temporary dwelling units are recorded..." should have TAD added to that section. Two paragraphs down, "Colleen did quick search of state law, no language re: insurance," change to "HB 82" instead of "state law". Item 8, 2nd paragraph "Colleen states..." remove portion re: colleen cross referencing with GC ordinance. Baird seconds. Motion passes

with edits unanimously.

4. Correspondence: None

NEW BUSINESS

5. Discussion and Possible Action re: Proposed Change to 85-3 Shipping Container Ordinance language Colleen: Background on why the changes are proposed - ordinance already mentions shipping container's setback requirements. County building inspector doesn't require building permit for use as shed, but we are within our rights to require a zoning permit. Suggested language is only to include shipping containers and portable sheds for zoning permit. 5.2 mentions shipping containers, we would just be adding portable sheds. 5.7 add "including metal shipping containers and portable sheds" and "if required, a permit from GC building inspector before commencing..." Grand County may require permit for portable shed depending on size and some other factors. Purpose of adding language is just so we know it's here and we can track it. No requirements for aesthetics.

Baird motions to approve suggested language to modify 85-3 regarding shipping containers. Thompsen seconds. Motion passes unanimously.

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.

Edits to definitions include Accessory Structures, Dwelling, and Dwelling Unit to be in line with IRC 2018 definitions. Updates throughout 85-3 to correct language based on these definition edits. Within 4.10.7, remove "number of permitted dwellings" and add "one dwelling per lot requirement of this land use ordinance." 5.10.1 replace "Rental of the IADU is strictly prohibited if the owner of the Primary Dwelling is not a full-time resident..." with "IADUs are prohibited in detached structures." 5.10.5 add language drafted by Julie. Baird moves to approve proposed amendments to Ordinance 85-3 as required by HB 82, including the changes made this evening to advance to Town Council for approval. Marie seconds. Motion passes unanimously.

UNFINISHED BUSINESS

7. None

CLOSED MEETING

8. If Necessary

ADJOURNMENT

Hawkins moves to adjourn, Baird seconds. Motion passes unanimously
Ryan Anderson (Chairman) adjourned the Meeting at 8:21 PM

**What is the
International Dark-Sky Association
(IDA)
(www.darksky.org)**

- **Recognized authority on light pollution**
- **Combatant of light pollution worldwide**

Vision: celebrate and protect our dark sky heritage

Purpose: protect night sky from light pollution

- Reduce light pollution
- Promote responsible outdoor lighting
 - Aesthetic
 - Healthy
 - Functional

The Problem: artificial light

- Blocks our view of the night sky
- Impacts human health
- Wastes money and energy
- Disrupts wildlife behavior
- Contributes to climate change

IDA Designations: Communities*
Public/private parks**
Reserves
Sanctuaries
Urban centers

* Torrey, Helper

** Arches NP, Bryce NP, Canyonlands NP, Capital Reef NP, Natural Bridges NP, Zion NP, Dead Horse Point SP, Goblin Valley SP

Minimum IDA Lighting Ordinance Requirements:

- Full shielding of all outdoor lighting fixtures exceeding 1000 lumens
 - Current CV ordinance requires shielding on all outdoor lights
 - Sections IV.A this revised ordinance
- Correlated color temperature (CCT) must not exceed 3000 Kelvin
 - Not in current ordinance
 - Section IV.G this revised ordinance
- Limit lumens per lot
 - Not in current ordinance
 - Section IV.E and IV.F

- Town Commitment
 - Provide circumstances under which street, right-of-way, and public lighting would be permitted.
 - Section VII.F
 - Provide that curfews are in effect for all future installations of public lighting.
 - Section IV.D
 - Public Parking Lots
 - Section V.A
 - Recreational Areas
 - Section V.B
- Regulate new installations
 - See proposed modification in draft ordinance
 - Section IX
- Commercial requirements
 - Not applicable
 - Section III.E
- Community Commitment
 - Current Lighting Ordinance 1991-1
 - General Plan Support 2019
 - Revised Lighting Ordinance 2021-?

9.20.2021 DRAFT
TOWN OF CASTLE VALLEY
DARK SKY ORDINANCE 2021-4 AN ORDINANCE ESTABLISHING LIMITS ON
OUTDOOR LIGHTING IN THE TOWN OF CASTLE VALLEY
This Ordinance 2021-1 dated XXXXX supersedes any earlier Lighting Ordinance 1991-1

PREAMBLE:

WHEREAS, the governing body of the Town of Castle Valley is authorized by Utah Code 10-9a-102.2(g), (2019), to enact by Ordinance land use controls for the use and effect of lighting that the Town considers necessary or appropriate for the Town of Castle Valley;

WHEREAS, the governing body of the Town of Castle Valley wants to encourage outdoor lighting practices that will minimize light pollution, glare, light trespass, and skyglow in order to preserve the natural darkness of the night sky, prevent adverse effects on flora and fauna, and avoid lighting nuisances on properties;

WHEREAS, the 2020 General Plan of the Town of Castle Valley reflects strong support from property owners for achieving designation as an International Dark Sky Community from the International Dark Sky Association;

WHEREAS, Ordinance 1991-1 of the Town of Castle Valley, the Town's original ordinance establishing limits on outdoor lighting in the Town, previously ordained that all outdoor lighting including insect control devices shall be equipped with fully shielded fixtures that concentrate illumination upon the building and grounds of the owner and prevent bright or direct illumination from being directly visible from other properties in the Town or from any public rights of way therein and that indoor lighting shall not be constructed or used to circumvent the restrictions on outdoor lighting ;

WHEREAS, the governing body of the Town of Castle Valley is authorized by Utah Code 10-8-60, (1990) to declare what shall be a nuisance, abate the same, and impose fines upon persons who may create, continue or suffer nuisances to exist;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE VALLEY AS FOLLOWS:

SECTION I: GENERAL PROVISIONS

A. Interpretation: In interpreting and applying this land use ordinance, the provisions hereof shall be construed to be consistent with the reasonable minimum requirements needed to protect and promote the public health, safety, order, prosperity and general welfare of the present and future inhabitants of this town. It is not intended by the adoption of this land use ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing easement, covenant or other agreement between parties. Provided, however, that where this land use ordinance imposes a greater land use restriction than is required by any other regulation or other provision of law or by any public easement the provisions of this land use ordinance shall prevail.

B. Severability: This land use ordinance and the various parts, sections and clauses are hereby declared to be severable. If any part, section, paragraph, sentence, clause or phrase is adjudged

unconstitutional or invalid, it is hereby declared that the remainder of this land use ordinance shall not be affected thereby.

SECTION II: DEFINITIONS

ABANDONMENT: Failure to occupy, maintain, prevent dilapidation or suspension of construction for a period of one year or more,

AGRICULTURE: The work of producing crops and raising of livestock.

ARCHITECTURAL LIGHTING: Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.

BULB: A generic term for a source of light often called a “lamp” or “tube”. Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays

CORRELATED COLOR TEMPERATURE (CCT): A measure in degrees Kelvin (°K) of light’s warmth or coolness. Lamps with a CCT of less than 3,200 °K are pinkish and considered warm. Lamps with a CCT greater than 4,000 °K are bluish–white and considered cool.

DIRECT ILLUMINATION: Direct line of sight of a bulb when viewed off property.

DROP LENS: Any glass or diffuser surrounding the bottom or any part of a fixture that allows light to be emitted from the top or sides of the fixture.

FIXTURE: The complete lighting unit consisting of a bulb, or bulbs and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

FLOODLIGHT: A fixture and/or bulb designed to “flood” a well defined area with light.

FULLY SHIELDED FIXTURE: A fixture constructed and installed so that no direct illumination occurs below the horizontal plane of the light fixture.

KELVIN: A scale of temperature used to measure the color temperature of light. Each kelvin represents the equivalent of one degree Celsius.

LANDSCAPE LIGHTING: Lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.

LED: Light emitting diode.

LIGHT TRESPASS: Light that falls beyond the property boundary it is intended to illuminate.

LIVESTOCK: Animals such as cattle, sheep, swine, horses, mules, buffalo, llamas, goats, geese, emus, ostriches, swans, peafowl, turkeys, chickens, ducks and other fowl. This definition does not include domestic pets such as dogs or cats.

LOT: A legally platted parcel of land of five (5) acres or more including easements.

LOW VOLTAGE: Landscape lighting powered at less than 15 volts and limited to fixtures having a rated initial fixture lumen output of 525 lumens or less.

LUMEN: The unit of measure used to quantify the brightness of light produced by a bulb or emitted from a fixture (as distinct from “watt,” a measure of power consumption).

NONCONFORMING USE: A use of land that legally existed before its current land use designation, but because of one or more subsequent changes to Town Land Use Regulations, does not conform to the regulations that now govern the use of the land. A nonconforming use must have been maintained continuously since the time Town Land Use Regulations were enacted or changed to make the land use nonconforming and not abandoned for a period of one year or more.

OUTDOOR LIGHTING: lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.

PATHWAY (WALKWAY) LIGHT: low voltage or solar lights provided the lights are installed along a pathway or walkway, no more than eighteen inches (18") above the adjacent ground level, and have caps that direct the light downward.

PUBLIC BUILDING: Any structure built on a lot owned by a government entity or a Town-approved structure on a lot that serves a public need or service.

SETBACK: The shortest distance between the outside surface of the foundation, wall or main frame of a building, septic system or well, to the legally platted street easement line, side property line or back property line.

SKYGLOW: The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

SPOTLIGHT: A fixture and/or bulb designed to light only a small, well-defined area.

TOWN BUILDING: Any structure built on a Town lot.

WATER FEATURE LIGHTING: Lighting used to emphasize or draw attention to any pool, waterfall, or water-linked installation.

WATTAGE: A measure of the amount of power used by a device.

SECTION III. SCOPE AND APPLICABILITY:

A. Description: The Town of Castle Valley's Rural Agricultural Residential Zone (RAR-1) with single-family low-density housing and lack of commercial or business zone can be described as a low ambient lighting zone where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Low to medium levels of lighting are appropriate. Lighting may be used for safety and convenience but should not be necessarily uniform or continuous.

B. Compliance: All exterior outdoor lighting installed after the effective date hereof in the Town shall conform to the requirements established by this Ordinance. These requirements do not apply to indoor lighting. However, light trespass from interior lighting that negatively impacts adjacent properties or the overhead skyglow of the night sky is also prohibited.

C. Nonconforming Uses: All existing outdoor lighting that does not meet the requirements of this Ordinance shall be considered a nonconforming use. The Town will encourage property owners to voluntarily bring nonconforming exterior lighting into compliance with this Ordinance. Where appropriate, the town may also provide assistance and expertise to homeowners in bringing their exterior lighting fixtures into compliance.

The continuation of the right to a nonconforming use will be terminated:

1. Upon replacement of outdoor light fixtures or bulbs.
2. Abandonment of the residence or building for one year.
3. Repair to correct damage that would cost more than 50% of new light fixture.
4. Replacement of more than 50% of the nonconforming lights.
5. Upon determination of a nuisance violation per the Town Complaint Resolution Process (See Ordinance 2021-2).
6. Upon change of ownership.

D. Modifications: Compliance through the Building Permit/Zoning Process: The Town shall require exterior lighting fixtures to be brought into compliance, through the building permit process, if substantial modifications are made to the exterior of the building or if the footprint of the structure is enlarged or changed.

E. Any commercial entity currently operating within the Town or any future commercial entity approved by the Town shall comply with the conditions in this Ordinance.

F. Any Town building or Town construction shall comply with the conditions in this Ordinance except where specifically stated or exempted (See Section IX.B.1).

G. Any public building or public construction shall comply with the conditions in this Ordinance except where specifically stated or exempted (See Section IX.B.1).

H. New installations of outdoor lighting on public properties and in public rights of way shall be permitted only when, in the opinion of the Town Council, a specific public safety hazard exists that can only be mitigated by the use of outdoor lighting.

SECTION IV: STANDARDS AND CONDITIONS

- A. Unless specifically exempted by this Ordinance, all outdoor lighting shall use fully shielded fixtures that are designed and constructed so that no light is emitted from the top or sides of the fixture. Lighting must be placed at a location, angle or height to prevent direct illumination outside the property boundaries where the light fixtures are located. Bulbs shall not be directly visible off property.
1. In order to qualify as a fully shielded fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as fully shielded. No drop lenses are allowed. Merely placing a light fixture under an eave, canopy, patio cover or other similar cover does not qualify as fully shielded if it does not prevent direct illumination off the property or skyglow above.
 2. In certain cases (such as, but not limited to, properties on or near ridgelines or hillsides or second story lighting), additional shielding may be required to mitigate glare or light trespass on downslope properties. The need for additional shielding will be considered as part of the review process performed by the Building Permit Agent prior to approval of any business or residence.
- B. Minimum Necessary: Outdoor lighting shall be the minimum necessary to provide for safety and functionality. The lowest lumen light source necessary for a lighting application shall be used.
- C. All outdoor lighting shall be turned off when not in use and shall not be left on overnight.
- D. All town or public outdoor lighting shall be turned off by 10:00 P.M. or thirty (30) minutes after end of an approved activity, whichever is later.
- E. Maximum Lighting Allowed: The total amount of outdoor lighting shall not exceed 5000 lumens per lot. Lots joined for tax purposes shall be counted as one lot.
- F. Maximum lumens are limited to
1. Max lumens per fully shielded bulb -1000 lumens.
 2. Max lumens per fully shielded directional floodlight or spotlight bulb-1260.
- F. Maximum Color Temperature of All Lighting Fixtures: The correlated color temperature (CCT) of any outdoor lighting fixture shall not exceed three thousand kelvin (3000 K).
- G. Allowable Applications: Outdoor lighting shall only be allowed in the following applications:
1. To illuminate the entrances to buildings (including garage and barn entrances).
 2. To illuminate pathways and walkways.
 3. To illuminate residential parking areas.
 - a. The overall height of any light post plus fixture used for illumination in residential parking areas shall not exceed six feet (6').
 - b. The location of any light post must conform to standard zoning setbacks as defined in Ordinance 85-3:5.2.A and B.
 4. To illuminate outdoor areas, such as patios, pool and hot tub areas, outdoor dining areas, barn yards and recreation areas provided they are turned off when not in use and not left on overnight. The output from low-lumen, low-voltage string lights shall not exceed two (2) percent of the total outdoor light output allowed for the property and shall be included in the maximum lumens calculation provided they are turned off when not in use and not left on overnight.
 5. For motion sensor lighting, provided all the following conditions shall be met:
 - a. The lighting is activated by motion sensors and shuts off within ten (10) minutes after each disturbance.
 - b. The motion sensor shall be set to an appropriate sensitivity to prevent unnecessary triggering.
 - c. The motion sensor light has a manual shut off switch and is turned off within ten (10) minutes of when activity is completed.
 - d. The lighting is placed and directed at a forty-five degree (45°) angle or less (where the zero angle is pointing straight down) such that no bulb can be seen by direct line of sight outside the

property boundaries, and no direct illumination falls outside the property boundaries where the security lighting is placed.

6. Insect control devices that use visible light shall also comply with the outdoor lighting restrictions set forth herein.

H. Outdoor and indoor lights, including lights controlled by motion sensor detectors, shall be turned off when occupant is not currently or actively residing in Castle Valley.

I. Indoor lighting shall not be constructed or used in such a fashion that creates direct illumination that falls outside the property boundaries.

SECTION V. SPECIALIZED OUTDOOR LIGHTING:

A. Public Parking Lots: The overall height of any light post plus fixture used to illuminate parking lots shall not exceed fifteen feet (15'). All post mounted parking lot lights must conform to standard zoning setbacks for structures as defined in Ordinance 85-3:5.2.A and B. Public parking lot lighting shall adhere to all other Standards and Conditions in Section IV.

B. Recreational areas on Town Lot: The overall height of any light post plus fixture used to illuminate recreation areas shall not exceed fifteen feet (15'). All post mounted lights must conform to standard zoning setbacks as defined in Ordinance 85-3:5.2.A and B. Recreational area lighting shall adhere to all other Standards and Conditions in Section IV.

C. Lighting for flags: Flag lights shall be fully shielded and low voltage. They shall be pole mounted and pointed downward lighting the flag from above.

D. When lighting is required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC), such lighting shall not exceed the minimum requirements of those agencies. Collision markers should have a dual mode for day and night to minimize impact to the night sky and migrating birds.

SECTION VI. EXEMPTIONS:

A. Holiday lighting from November 15 to January 15 when residence is currently or actively occupied as long as it does not create a hazard or nuisance to surrounding residences.

B. Temporary use authorized by law enforcement or government agency of traffic control signals and devices.

C. Temporary emergency lighting in use by law enforcement or government agencies, or at their direction.

D. Lighting that is only used under emergency conditions.

E. Light bulbs under 100 lumens used to illuminate pathways in residential areas are exempted from the maximum lumen cap per lot, provided the lights are installed no more than eighteen inches (18") above the adjacent ground level and are fully shielded.

F. Temporary use of lighting for agricultural buildings currently housing livestock shall be exempt from the maximum limit of 5000 lumens per lot (See Section IV.D) provided that the lights shall:

1. Be fully shielded.

2. Not be motion activated.

3. Conform to maximum lumen limits for outdoor bulbs as described in Section IV.E and IV.F.

4. Be used only when actively caring for livestock.

5. Have a manual turn off switch and not be left on overnight.

SECTION VII. PROHIBITED LIGHTING:

A. Architectural, landscape, and water feature lighting.

B. Flashing, blinking, intermittent or other lights that move or give the impression of movement, not including holiday lighting between November 15 and January 15.

C. Searchlights, laser source lights or any similar high intensity light.

D. Illuminated signs. (See 85-3:4.8.3(10)).

E. Underwater lighting in swimming pools that do not have full turn-off features.

F. Lighting within public right-of-way or easement for the principal purpose of illuminating streets, roads, or intersections, except as allowed by temporary exemptions in other provisions of this Ordinance (See Sections VI.B.C.D).

G. All monopole, antenna, tower or support facility lighting not required by the FAA or the FCC.

SECTION VIII: VIOLATIONS:

A. The installation, maintenance or operation of any lighting fixture not in compliance with the provisions of this Ordinance if such fixture is installed subsequent to the date when this Ordinance is formally adopted. Owners of existing outdoor lighting shall bring their lighting fixtures into compliance with this Ordinance within two (2) years after its effective date. Exception: See Section III.C.5.

B. The alteration of outdoor lighting fixtures after a Certificate of Occupancy has been issued without the review and approval of the Building Permit Agent when such alteration does not conform to the provisions of this Ordinance.

C. Failure to shield, correct or remove lighting that is installed, operated, maintained or altered in violation of this ordinance, brought to the attention of the Town Council by citizen complaint, which is not corrected within 60 days after demand by the Town of Castle Valley is made to the owner, shall be a Class B misdemeanor. Property owners may request a hearing before the governing body of the Town of Castle Valley to show why their lighting does not constitute a nuisance.

D. Persons violating this ordinance shall be prosecuted in the Grand County Justice Court, the Seventh Circuit Court, or any other court of competent jurisdiction until and unless a justice court for the Town of Castle Valley is established.

SECTION IX: APPLICATION AND REVIEW PROCEDURE:

A. Conformance with All Applicable Codes: All outdoor lighting shall be installed in conformance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the Building Code.

1. The lighting plan for all new development shall be submitted for approval concurrent with the associated building permit application process.

2. The Certificate of Occupancy review may include a nighttime inspection at the discretion of the Castle Valley Building Permit Agent. Outdoor lighting must be in compliance with this ordinance before a Certificate of Occupancy will be approved.

B. Building Permit Application Requirements

1. Town and public building permit applications shall include the following:

a. In addition to electrical plans required by applicable Electrical and Energy Codes and applicable sections of the Building Code, elevation plans indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of lamps, supports, and shielding.

b. Illustrations, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. The applicant must provide sufficient information regarding the light fixture location, lumens, and shielding mechanisms to be able to determine compliance with this ordinance.

c. A table showing the amount of pre-existing and proposed exterior lights, by fixture type, lumens and lamp type, shielding, location, and total lumens.

2. Residential building permit applications for dwellings, accessory buildings or other structures shall include the following:

a. In addition to electrical plans required by applicable Electrical and Energy Codes and applicable sections of the Building Code, elevation plans indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of lamps, supports, and shielding. The applicant must provide sufficient information regarding the light fixture

- location, lumens, and shielding mechanisms to be able to determine compliance with this ordinance.
- b. A table showing pre-existing and proposed exterior lights, by fixture type, lumens and lamp type, shielding, location, and total lumens.

EFFECTIVE DATE

This amended ordinance shall take effect on the XXXXXX, 2021, or upon its publication in the Times Independent, whichever occurs later.

PASSED, ADOPTED AND APPROVED by the Town Council of the Town of Castle Valley in open session on the day of, _____ 2021.

Those voting AYE:

Those voting NAY:

ABSENT:

TOWN OF CASTLE VALLEY:

Jazmine Duncan, Mayor

ATTEST:

Jocelyn Buck, Town Clerk

Official Seal of the Town of Castle Valley:

DRAFT
TOWN OF CASTLE VALLEY
DARK SKY ORDINANCE 2021-?
AN ORDINANCE ESTABLISHING LIMITS ON OUTDOOR LIGHTING
IN THE TOWN OF CASTLE VALLEY
This Ordinance 2021-1 dated XXXXX supersedes any earlier Lighting Ordinance 1991-1

PREAMBLE:

WHEREAS, the governing body of the Town of Castle Valley is authorized by Utah Code 10-9a-102.2(g), (2019), to enact by Ordinance land use controls for the use and effect of lighting that the Town considers necessary or appropriate for the Town of Castle Valley;

WHEREAS, the governing body of the Town of Castle Valley wants to encourage outdoor lighting practices that will minimize light pollution, glare, light trespass, and skyglow in order to preserve the natural darkness of the night sky, prevent adverse effects on flora and fauna, and avoid lighting nuisances on properties;

WHEREAS, the 2020 General Plan of the Town of Castle Valley reflects strong support from property owners for achieving designation as an International Dark Sky Community from the International Dark Sky Association;

WHEREAS, Ordinance 1991-1 of the Town of Castle Valley, the Town's original ordinance establishing limits on outdoor lighting in the Town, previously ordained that all outdoor lighting including insect control devices shall be equipped with fully shielded fixtures that concentrate illumination upon the building and grounds of the owner and prevent bright or direct illumination from being directly visible from other properties in the Town or from any public rights of way therein and that indoor lighting shall not be constructed or used to circumvent the restrictions on outdoor lighting ;

WHEREAS, the governing body of the Town of Castle Valley is authorized by Utah Code 10-8-60, (1990) to declare what shall be a nuisance, abate the same, and impose fines upon persons who may create, continue or suffer nuisances to exist;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE VALLEY AS FOLLOWS:

SECTION I: GENERAL PROVISIONS

A. Interpretation: In interpreting and applying this land use ordinance, the provisions hereof shall be construed to be consistent with the reasonable minimum requirements needed to protect and promote the public health, safety, order, prosperity and general welfare of the present and future inhabitants of this town. It is not intended by the adoption of this land use ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing easement, covenant or other agreement between parties. Provided, however, that where this land use ordinance imposes a greater land use restriction than is required by any other regulation or other provision of law or by any public easement the provisions of this land use ordinance shall prevail.

B. Severability: This land use ordinance and the various parts, sections and clauses are hereby declared to be severable. If any part, section, paragraph, sentence, clause or phrase is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this land use ordinance shall not be affected thereby.

SECTION II: DEFINITIONS

ABANDONMENT: Failure to occupy, maintain, prevent dilapidation or suspension of construction for a period of one year or more,

AGRICULTURE: The work of producing crops and raising of livestock.

ARCHITECTURAL LIGHTING: Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.

BULB: A generic term for a source of light often called a “lamp” or “tube”. Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays

CORRELATED COLOR TEMPERATURE (CCT): A measure in degrees Kelvin (°K) of light’s warmth or coolness. Lamps with a CCT of less than 3,200 °K are pinkish and considered warm. Lamps with a CCT greater than 4,000 °K are bluish–white and considered cool.

DIRECT ILLUMINATION: Direct line of sight of a bulb when viewed off property.

DROP LENS: Any glass or diffuser surrounding the bottom or any part of a fixture that allows light to be emitted from the top or sides of the fixture.

FIXTURE: The complete lighting unit consisting of a bulb, or bulbs and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

FLOODLIGHT: A fixture and/or bulb designed to “flood” a well defined area with light.

FULLY SHIELDED FIXTURE: A fixture constructed and installed so that no direct illumination occurs below the horizontal plane of the light fixture.

KELVIN: A scale of temperature used to measure the color temperature of light. Each kelvin represents the equivalent of one degree Celsius.

LANDSCAPE LIGHTING: Lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.

LED: Light emitting diode.

LIGHT TRESPASS: Light that falls beyond the property boundary it is intended to illuminate.

LIVESTOCK: Animals such as cattle, sheep, swine, horses, mules, buffalo, llamas, goats, geese, emus, ostriches, swans, peafowl, turkeys, chickens, ducks and other fowl. This definition does not include domestic pets such as dogs or cats.

LOT: A legally platted parcel of land of five (5) acres or more including easements.

LOW VOLTAGE: Landscape lighting powered at less than 15 volts and limited to fixtures having a rated initial fixture lumen output of 525 lumens or less.

LUMEN: The unit of measure used to quantify the brightness of light produced by a bulb or emitted from a fixture (as distinct from “watt,” a measure of power consumption).

NONCONFORMING USE: A use of land that legally existed before its current land use designation, but because of one or more subsequent changes to Town Land Use Regulations, does not conform to the regulations that now govern the use of the land. A nonconforming use must have been maintained continuously since the time Town Land Use Regulations were enacted or changed to make the land use nonconforming and not abandoned for a period of one year or more.

OUTDOOR LIGHTING: lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.

PATHWAY (WALKWAY) LIGHT: low voltage or solar lights provided the lights are installed along a pathway or walkway, no more than eighteen inches (18") above the adjacent ground level, and have caps that direct the light downward.

PUBLIC BUILDING: Any structure built on a lot owned by a government entity or a Town-approved structure on a lot that serves a public need or service.

SETBACK: The shortest distance between the outside surface of the foundation, wall or main frame of a building, septic system or well, to the legally platted street easement line, side property line or back property line.

SKYGLOW: The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

SPOTLIGHT: A fixture and/or bulb designed to light only a small, well-defined area.

TOWN BUILDING: Any structure built on a Town lot.

WATER FEATURE LIGHTING: Lighting used to emphasize or draw attention to any pool, waterfall, or water-linked installation.

WATTAGE: A measure of the amount of power used by a device.

SECTION III. SCOPE AND APPLICABILITY:

A. Description: The Town of Castle Valley's Rural Agricultural Residential Zone (RAR-1) with single-family low-density housing and lack of commercial or business zone can be described as a low ambient lighting zone where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Low to medium levels of lighting are appropriate. Lighting may be used for safety and convenience but should not be necessarily uniform or continuous.

B. Compliance: All exterior outdoor lighting installed after the effective date hereof in the Town shall conform to the requirements established by this Ordinance. These requirements do not apply to indoor lighting. However, light trespass from interior lighting that negatively impacts adjacent properties or the overhead skyglow of the night sky is also prohibited.

C. Nonconforming Uses: All existing outdoor lighting that does not meet the requirements of this Ordinance shall be considered a nonconforming use. The Town will encourage property owners to voluntarily bring nonconforming exterior lighting into compliance with this Ordinance. Where appropriate, the town may also provide assistance and expertise to homeowners in bringing their exterior lighting fixtures into compliance.

The continuation of the right to a nonconforming use will be terminated:

1. Upon replacement of outdoor light fixtures or bulbs.
2. Abandonment of the residence or building for one year.
3. Repair to correct damage that would cost more than 50% of new light fixture.
4. Replacement of more than 50% of the nonconforming lights.
5. Upon determination of a nuisance violation per the Town Complaint Resolution Process (See Ordinance 2021-2).
6. Upon change of ownership.

D. Modifications: Compliance through the Building Permit/Zoning Process: The Town shall require exterior lighting fixtures to be brought into compliance, through the building permit process, if substantial modifications are made to the exterior of the building or if the footprint of the structure is enlarged or changed.

E. Any commercial entity currently operating within the Town or any future commercial entity approved by the Town shall comply with the conditions in this Ordinance.

F. Any Town building or Town construction shall comply with the conditions in this Ordinance except where specifically stated or exempted (See Section IX.B.1).

G. Any public building or public construction shall comply with the conditions in this Ordinance except where specifically stated or exempted (See Section IX.B.1).

H. New installations of outdoor lighting on public properties and in public rights of way shall be permitted only when, in the opinion of the Town Council, a specific public safety hazard exists that can only be mitigated by the use of outdoor lighting.

SECTION IV: STANDARDS AND CONDITIONS

A. Unless specifically exempted by this Ordinance, all outdoor lighting shall use fully shielded fixtures that are designed and constructed so that no light is emitted from the top or sides of the fixture. Lighting must be placed at a location, angle or height to prevent direct illumination outside the property boundaries where the light fixtures are located. Bulbs shall not be directly visible off property.

1. In order to qualify as a fully shielded fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as fully shielded. No drop lenses are allowed. Merely placing a light fixture under an eave, canopy, patio cover or other similar cover does not qualify as fully shielded if it does not prevent direct illumination off the property or skyglow above.

2. In certain cases (such as, but not limited to, properties on or near ridgelines or hillsides or second story lighting), additional shielding may be required to mitigate glare or light trespass on downslope properties. The need for additional shielding will be considered as part of the review process performed by the Building Permit Agent prior to approval of any business or residence.

B. Minimum Necessary: Outdoor lighting shall be the minimum necessary to provide for safety and functionality. The lowest lumen light source necessary for a lighting application shall be used.

C. All outdoor lighting shall be turned off when not in use and shall not be left on overnight.

D. All town or public outdoor lighting shall be turned off by 10:00 P.M. or thirty (30) minutes after end of an approved activity, whichever is later.

E. Maximum Lighting Allowed: The total amount of outdoor lighting shall not exceed 5000 lumens per lot. Lots joined for tax purposes shall be counted as one lot.

F. Maximum lumens are limited to

1. Max lumens per fully shielded bulb -1000 lumens.

2. Max lumens per fully shielded directional floodlight or spotlight bulb -1260.

G. Maximum Color Temperature of All Lighting Fixtures: The correlated color temperature (CCT) of any outdoor lighting fixture shall not exceed three thousand kelvin (3000 K).

H. Allowable Applications: Outdoor lighting shall only be allowed in the following applications:

1. To illuminate the entrances to buildings (including garage and barn entrances).

2. To illuminate pathways and walkways.

3. To illuminate residential parking areas.

a. The overall height of any light post plus fixture used for illumination in residential parking areas shall not exceed six feet (6').

b. The location of any light post must conform to standard zoning setbacks as defined in Ordinance 85-3:5.2.A and B.

4. To illuminate outdoor areas, such as patios, pool and hot tub areas, outdoor dining areas, barn yards and recreation areas provided they are turned off when not in use and not left on overnight. The output from low-lumen, low-voltage string lights shall not exceed two (2) percent of the total outdoor light output allowed for the property and shall be included in the maximum lumens calculation provided they are turned off when not in use and not left on overnight.

5. For motion sensor lighting, provided all the following conditions shall be met:

a. The lighting is activated by motion sensors and shuts off within ten (10) minutes after each disturbance.

b. The motion sensor shall be set to an appropriate sensitivity to prevent unnecessary triggering.

- c. The motion sensor light has a manual shut off switch and is turned off within ten (10) minutes of when activity is completed.
 - d. The lighting is placed and directed at a forty-five degree (45°) angle or less (where the zero angle is pointing straight down) such that no bulb can be seen by direct line of sight outside the property boundaries, and no direct illumination falls outside the property boundaries where the security lighting is placed.
6. Insect control devices that use visible light shall also comply with the outdoor lighting restrictions set forth herein.
- I. Outdoor and indoor lights, including lights controlled by motion sensor detectors, shall be turned off when occupant is not currently or actively residing in Castle Valley.
- J. Indoor lighting shall not be constructed or used in such a fashion that creates direct illumination that falls outside the property boundaries.

SECTION V. SPECIALIZED OUTDOOR LIGHTING:

- A. Public Parking Lots: The overall height of any light post plus fixture used to illuminate parking lots shall not exceed fifteen feet (15'). All post mounted parking lot lights must conform to standard zoning setbacks for structures as defined in Ordinance 85-3:5.2.A and B. Public parking lot lighting shall adhere to all other Standards and Conditions in Section IV.
- B. Recreational areas on Town Lot: The overall height of any light post plus fixture used to illuminate recreation areas shall not exceed fifteen feet (15'). All post mounted lights must conform to standard zoning setbacks as defined in Ordinance 85-3:5.2.A and B. Recreational area lighting shall adhere to all other Standards and Conditions in Section IV.
- C. Lighting for flags: Flag lights shall be fully shielded and low voltage. They shall be pole mounted and pointed downward lighting the flag from above.
- D. When lighting is required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC), such lighting shall not exceed the minimum requirements of those agencies. Collision markers should have a dual mode for day and night to minimize impact to the night sky and migrating birds.

SECTION VI. EXEMPTIONS:

- A. Holiday lighting from November 15 to January 15 when residence is currently or actively occupied as long as it does not create a hazard or nuisance to surrounding residences.
- B. Temporary use authorized by law enforcement or government agency of traffic control signals and devices.
- C. Temporary emergency lighting in use by law enforcement or government agencies, or at their direction.
- D. Lighting that is only used under emergency conditions.
- E. Light bulbs under 100 lumens used to illuminate pathways in residential areas are exempted from the maximum lumen cap per lot, provided the lights are installed no more than eighteen inches (18") above the adjacent ground level and are fully shielded.
- F. Temporary use of lighting for agricultural buildings currently housing livestock shall be exempt from the maximum limit of 5000 lumens per lot (See Section IV.D) provided that the lights shall:
 - 1. Be fully shielded.
 - 2. Not be motion activated.
 - 3. Conform to maximum lumen limits for outdoor bulbs as described in Section IV.E and IV.F.
 - 4. Be used only when actively caring for livestock.
 - 5. Have a manual turn off switch and not be left on overnight.

SECTION VII. PROHIBITED LIGHTING:

- A. Architectural, landscape, and water feature lighting.

- B. Flashing, blinking, intermittent or other lights that move or give the impression of movement, not including holiday lighting between November 15 and January 15.
- C. Searchlights, laser source lights or any similar high intensity light.
- D. Illuminated signs. (See 85-3:4.8.3(10)).
- E. Underwater lighting in swimming pools that do not have full turn-off features.
- F. Lighting within public right-of-way or easement for the principal purpose of illuminating streets, roads, or intersections, except as allowed by temporary exemptions in other provisions of this Ordinance (See Sections VI.B.C.D).
- G. All monopole, antenna, tower or support facility lighting not required by the FAA or the FCC.
- H. Lighting that violates the vision and purpose of this ordinance.

SECTION VIII: VIOLATIONS:

- A. The installation, maintenance or operation of any lighting fixture not in compliance with the provisions of this Ordinance if such fixture is installed subsequent to the date when this Ordinance is formally adopted. Owners of existing outdoor lighting shall bring their lighting fixtures into compliance with this Ordinance within two (2) years after its effective date. Exception: See Section III.C.5.
- B. The alteration of outdoor lighting fixtures after a Certificate of Occupancy has been issued without the review and approval of the Building Permit Agent when such alteration does not conform to the provisions of this Ordinance.
- C. Failure to shield, correct or remove lighting that is installed, operated, maintained or altered in violation of this ordinance, brought to the attention of the Town Council by citizen complaint, which is not corrected within 60 days after demand by the Town of Castle Valley is made to the owner, shall be a Class B misdemeanor. Property owners may request a hearing before the governing body of the Town of Castle Valley to show why their lighting does not constitute a nuisance.
- D. Persons violating this ordinance shall be prosecuted in the Grand County Justice Court, the Seventh Circuit Court, or any other court of competent jurisdiction until and unless a justice court for the Town of Castle Valley is established.

SECTION IX: APPLICATION AND REVIEW PROCEDURE:

- A. Conformance with All Applicable Codes: All outdoor lighting shall be installed in conformance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the Building Code.
 - 1. The lighting plan for all new development shall be submitted for approval concurrent with the associated building permit application process.
 - 2. The Certificate of Occupancy review may include a nighttime inspection at the discretion of the Castle Valley Building Permit Agent. Outdoor lighting must be in compliance with this ordinance before a Certificate of Occupancy will be approved.
- B. Building Permit Application Requirements
 - 1. Town and public building permit applications shall include the following:
 - a. In addition to electrical plans required by applicable Electrical and Energy Codes and applicable sections of the Building Code, elevation plans indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of lamps, supports, and shielding.
 - b. Illustrations, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. The applicant must provide sufficient information regarding the light fixture location, lumens, and shielding mechanisms to be able to determine compliance with this ordinance.
 - c. A table showing the amount of pre-existing and proposed exterior lights, by fixture type, lumens and lamp type, shielding, location, and total lumens.

2. Residential building permit applications for dwellings, accessory buildings or other structures shall include the following:
- a. In addition to electrical plans required by applicable Electrical and Energy Codes and applicable sections of the Building Code, elevation plans indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of lamps, supports, and shielding. The applicant must provide sufficient information regarding the light fixture location, lumens, and shielding mechanisms to be able to determine compliance with this ordinance.
 - b. A table showing pre-existing and proposed exterior lights, by fixture type, lumens and lamp type, shielding, location, and total lumens.

EFFECTIVE DATE

This amended ordinance shall take effect on the XXXXXX, 2021, or upon its publication in the Times Independent, whichever occurs later.

PASSED, ADOPTED AND APPROVED by the Town Council of the Town of Castle Valley in open session on the day of, 2021.

Those voting AYE:

Those voting NAY:

ABSENT:

TOWN OF CASTLE VALLEY:

Jazmine Duncan, Mayor

ATTEST:

Jocelyn Buck, Town Clerk

Official Seal of the Town of Castle Valley:

**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 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 waterways on individual lots may adversely impact town roads and other public infrastructure, 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 Town Zoning Approval on the Grand County Building Permit Application form for submission to the County.

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 Town 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 Southeast Utah Health Department Application for Onsite Waste Water Review including all attachments such as the required property map.
- d. 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. A Single Dwelling Acknowledgment Form (signed by applicant).
- f. Short-Term Rentals Prohibited Acknowledgement Form (signed by applicant).
- g. A Geologic Hazards Release Agreement (signed by applicant)
- h. A Drainage Review Form (signed by Roads Manager or other designated official that shall expire after 12 months unless a complete Building Permit Application is submitted to the Town within that period).
- i. (Where applicable) An Acknowledgment and Release Agreement for lots without legal access (signed by applicant).
- j. (Where applicable) A Temporary Dwelling Permit.
- k. (Where applicable) A Decommissioning Contract. No portion of the decommissioned 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. (Where applicable) An approved Right of Way Encroachment Permit signed by the Roads Manager or other designated official.
- m. (Where applicable) A Grade Review to determine existing grade prior to any earth-moving signed by the Building Permit Agent or other designated official.
- n. (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 existing grade or an estimation of pre-development topography.
- o. (Where applicable) An approved Internal Accessory Dwelling Unit (IADU) Permit, as described in Ordinance 85-3 Section 5.10, if applying for a building permit to construct, or remodel to create, an IADU.
- p. 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.
- f. 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.

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 application. Town 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 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 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.

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.
- 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 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 xxx, xxx, by the following vote:

Those Voting AYE: xxx

Ordinance 95-6 Amended xxx

Those voting NAY: xxx

Those ABSENT: xxx

APPROVED:

ATTESTED:

Jazmine Duncan, Mayor

Jocelyn Buck, Town Clerk