



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

Date: Wednesday, November 10, 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 10.6.2021
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: Update to Building Permit Information sheet to comply with updates previously made to Ordinance 85-3 as required by HB 82
7. Discussion and possible Action re: Approval of 2022 Meeting Dates

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"



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

Date: Wednesday, October 6, 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, Marie Hawkins, and Colleen Thompson

Absent: Julie Baird (excused) and Jeff Whitney

Others Present: Mayor Duncan and Faylene Roth

Clerk: Jessica Maw

CALL TO ORDER REGULAR MEETING

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

1. Adoption of Agenda:

Thompson says "Building Permit" should be "Building Information Sheet."

Thompson motions to adopt agenda with correction, Hawkins seconds. Motion passes unanimously.

2. Open Public Comment: Faylene Roth is joining us tonight to discuss the adoption of the Dark Sky Ordinance. She's been working with the Dark Sky committee and she wants to offer her assistance on the language of the ordinance. Anderson indicates they may call on Faylene later in the meeting when the Dark Sky Ordinance is discussed further.

3. Approval of Minutes from September 1, 2021:

Thompson motions to approve with corrections - Second page, New Business #6 - 2/3 down "5.10.1 replace..." Colleen suggests to strike this sentence completely. Thompson states to remove sentence ending in "detached structures." Hawkins motions to approve minutes with corrections, Thompson seconds. Motion passes with edits unanimously.

4. Reports:

- Correspondence: None

- Town Council Meeting(s) - Thompson gives report for 9.15.21 Town Council meeting.
- Building Permit Agent Report - Thompson gives report. Discusses questions about Demolition permit process from Castle Valley as well as the county.
 - Permit Activity
 - Updates on Recent Applications

NEW BUSINESS

5. Discussion and Possible Action re: Dark Sky Ordinance: Jocelyn states current lighting ordinance is pretty good, but in order to qualify with IDA, the town needs to update ordinance. There were things IDA recommended get updated. We took their suggestions when updating our ordinance. Town commitment will be how the town shows we're abiding by ordinance. Residential new builds – need to clarify how building permit process works. Commercial requirements - we don't have commercial, but if we did they'd need to abide. Faylene states the color coding throughout the proposed language is the minimum requirements. IDA has a model ordinance that were referenced, and committee looked at what other communities are doing.

Ryan asks - considering parking lot lighting, although it's not commercial, what about automatic lights e.g. church parking lot? Faylene says this is addressed under Town Commitment, which discusses curfews, pole heights, and things like that

Marie asks did we pull this language from someone else's or from scratch. Faylene says we started out with examples from other communities and worked from there. Looked at Torrey, another small community near national parks, as well as other small communities in Colorado and Utah.

Ryan asks do we have two years to be compliant? Have communities found ways to mitigate ambient light coming from home, such as blinds or shades? Faylene - didn't see any examples. One thing we talked about was we could possibly have fundraisers, then offer financial assistance for people who want to bring their lighting into compliance. Ryan asks for enterprises outside of Town boundaries that have light trespass, do they then fall under county regulations if their outside Castle Valley boundaries. Jocelyn says we have no jurisdiction over these places. County may be working on Dark Sky certification, Moab is currently working on it. Colleen and Faylene state the county is already certified. We may decide on the amount of time to become compliant. We do already require all outdoor lighting to be fully shielded in our current ordinance. We're already ahead of other communities with more light pollution.

Ryan asks if anybody spoke with someone from Torrey about their process and if they got pushback from the community. Jocelyn traded emails with person in Torrey who took the lead, but not about that specifically. Ryan asks about feedback so far from our community. Faylene - not from the community, Colleen is trying to educate people while they are seeking a building permit. Colleen has told applicants very early on what is already in our ordinance, and what will be changing with the new Dark Sky ordinance. Some communities require compliance in 6 months; we didn't want to be that fast, so we went with 2 years. We adopted language regarding lumens and exception, such as troubles with livestock. Everybody she has talked to has been supportive.

Ryan asks if section VII - Violations the same as existing or have there been changes. Colleen says sections C and D are from 1991. Faylene states that section just followed the model ordinance that IDA used otherwise. Section O was also added.

Colleen points out light should not be directly viewed from other properties. If you're uphill, people below shouldn't be able to see your lights directly.

No action taken tonight other than review of current draft. Next IDA designation committee we could attend is in February. Jocelyn would like everything done before January to get it to them ahead of the deadline. Ryan thinks we can shoot for getting it done before the holidays. Hawkins

motions to accept 95-6 as amended, with the changes occurring in section 1.1 items B and O. Thompson seconds. Motion passes unanimously.

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:
Ryan questions if item B under Submission Requirements can be removed completely without consulting legal. Colleen indicates that may be necessary, but the septic system already goes through Health Department and County review. Jocelyn indicates it is important for the Town to have some form of approval process for septic so we can know where the systems are in relation to neighboring properties. Thompson motions to pass with amendments. Hawkins seconds. Motion passes unanimously.

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. Ryan indicates input from two absent PLUC members would be helpful, and this will possibly need to go before the Town Council. Thompson motions to table agenda item 7 on updating the Building Permit Information sheet until the absent two members can render their opinions. Hawkins seconds. Motion passes unanimously.

UNFINISHED BUSINESS

8. None

CLOSED MEETING

9. If Necessary

ADJOURNMENT

Hawkins moves to adjourn, Thompson seconds. Motion passes unanimously
Ryan Anderson (Chairman) adjourned the Meeting at 8:55 PM

Report to PLUC on 10/20/2021 TC meeting

Solid Waste Special Service District—Evan Tyrrell gave a full presentation on rebranding with new name, web site. There will be a fall voucher program at the dump, see web site for details [I could not find this info].

Roads Committee—Dorje Hohner hired as supervisor/operator. Update about Emery repairing roads.

Fire District—proposed change to fire ordinance will be coming. RMP grant for video by Bill Rau.

Fire District—recent fundraising letter. Harry Holland reports it raised ~\$24k so far. Want to send a second letter.

New business:

Discussion and Possible Action re: Manti-LaSal Forest Service Management Plan letter. Approved

Discussion and Possible Action re: Appointment to the Solid Waste Special Service District Board. Diane Ackerman re-upped.

—submitted by Colleen Thompson

TOWN OF CASTLE VALLEY - Building Permits Report

Approval Date Between 10/1/2021 And 10/31/2021

Approval	Lot	Road	Owner	Type	Purpose	Description	Height	Sq Ft <=19	Sq Ft >19
10/27/2021	037	Rim Shadow Lane West	Carson, Matt	Building	Residence	cabin kit	19	2465	0
10/28/2021	290	Pope Lane West	Cullinane, Catherine	Septic	Residence	replace or enlarge septi	0	0	0

TOWN OF CASTLE VALLEY - TDP year-to-date Report
Renewal Date Between 1/1/2023 And 12/31/2023

Lot	Renewal	Approval	Owner	Type	Conditions	Notes	Non-Routine
029	6/22/2023	6/22/1998	Frederick Fornelius	TDP		Renewal 6/22/17; Never renewed after 6/22/2000	<input type="checkbox"/>
090	6/20/2023	9/6/2021	Anthony Sams & Heather	TDP		2021 reminder sent late.	<input type="checkbox"/>
118	5/15/2023	5/15/2019	Samuel & Laura Dee Mike	TDP		Renewal approved 9/9/21 (reminders were sent late)	<input type="checkbox"/>
367	5/7/2023	5/7/2019	Howard P. Renshaw III	TDP		Also owns contiguous 364. Renewed 2021.	<input type="checkbox"/>

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:

Suggested Changes from the Dark Sky Committee
to Draft Dark Sky Ordinance:
An Ordinance Establishing Limits on Outdoor Lighting
In the Town of Castle Valley

1. Section III. C Nonconforming Uses

Delete 2nd sentence (The Town will encourage property owners to voluntarily bring nonconforming exterior lighting into compliance with the Ordinance.) It conflicts with Section 2. VIIIA which requires compliance within two years.

2. Section IV.G Standards and Conditions

Change 3000K to 2700K. The International Dark Sky Association (IDA) now promotes the lower color temperature

3. Section VII. Prohibited Lighting

Add between C and D and change lettering in rest of section: Light trespass from interior lighting that negatively impacts adjacent properties or the overhead skyglow of the night sky is prohibited. (This restates the last sentence of Section III.B as a prohibition. We thought it could be stated in both places.)

We think it is important to get public feedback on lumens, string lights, exemptions, and prohibitions.

In Section IV: Standards and Conditions, we think that 5000 lumens is a good cap as shown below, but we struggled with coming up with lumen caps on:

IV.F.1 – Max lumens per fully shielded bulb-1000 lumens.

IV.F.2 – Max lumens per full shielded...floodlight or spotlight bulb-1260 lumens.

Industry suggestions for lumens:

Porch lights	450 - 800 lumens (40 watt-60 watt equivalents)
Path lights	100 - 200 lumens
Motion Sensor Lights	300 - 700 lumens
Flood Lights	700 - 1300 lumens

Lumen use per lot:

Small Residence

1 front porch light
1 porch light
1 garage door light
2 patio lights @450
1 motion sensor light
1 flood light

800
450
450
900
500
700
3800

Large Residence

1 front porch light
3 side/back porch lights @450
1 garage door light
4 patio lights @450
2 motion sensor lights @500
1 flood light
700
6100

**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

Castle Valley Building Permit Information Sheet

(Initial each page and sign the last page and submit with your other Building Permit items)

The Town of Castle Valley is a participant in the Grand County Building Permit process. Your Grand County Building Permit Application must receive Town of Castle Valley zoning approval before approval by the Grand County Building Department. Signatures on the Grand County Building Permit Application form include:

- 1) The South East Utah Health Department (SEUHD) signs with regard to the adequacy of septic/waste disposal systems, including their relationships to wells. **435-259-5602**
- 2) The Castle Valley Designated Land Use Authority signs with regard to compliance with Castle Valley zoning requirements. **Town Office: 435-259-9828 Fax 435-259-9846** HC64 Box 2705, Castle Valley, UT 84532; email: castlevalley@castlevalleyutah.com
- 3) The Grand County Building Department signs with regard to compliance with building codes: **435-259-4134**

Grade Review by the Building Permit Agent must be completed **prior to 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.

No portion of a demolished or 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 demolished or 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. Building demolition may require a Grand County Building Permit.

All **road easement encroachments**, such as the installation of power lines, water lines, driveways, culverts, etc., **must obtain a Right-of-Way Encroachment Permit** from the Town's Roads Manager **prior to any work being done** within a Town road easement.

For **electrical and solar upgrades or installations** only, a Castle Valley Electrical or Solar Energy System Permit must be obtained and Town zoning approval/signature given on the Grand County Building Permit form. 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 Application and not independent of it. Solar Energy System Permit Applications must always be submitted independent of construction work.

Installation of yurts, teepees, or tents on a lot for **permanent or intermittent camping requires approval by the SEUHD of a sanitary sewage and wastewater disposal system**. Residing in these structures is **not permitted** if another **structure** is being **used as a residence** on the lot.

Buildings used for **agricultural purposes** that are not for human habitation and do not contain plumbing or wiring are exempt from having to receive a building permit as stated in state statutes. However, such buildings must obtain a Certificate of Land Use Compliance from the Town of Castle Valley Designated Land Use Authority before they can be constructed or moved into the Town, and may require a Grand County Agricultural Exemption Acknowledgement.

Town zoning approval for a building permit to create an Internal Accessory Dwelling Unit (IADU), as described in Ordinance 85-3 Section 5.10, requires an approved IADU permit.

RV and travel trailers installed for intermittent or permanent residency require a Temporary Dwelling Permit. RVs and travel trailers that are to be kept on the property and used as a dwelling before or during construction also require a Decommissioning Contract.

For well drilling, contact the Castle Valley Water Agent at 435-259-9828.

SUBMISSION REQUIREMENTS

In order to gain zoning approval from the Town for a building permit to construct, repair, reconstruct or alter any building, to move any building onto a lot, or any other project that requires a Grand County Building Permit, Applicants must provide the following unless determined to be inapplicable by the Designated Land Use Authority:

A. CASTLE VALLEY SEPTIC PERMIT APPLICATION with submission of all information specified on the application form, approved and signed by the Building Permit Agent when a septic system is being installed or upgraded. If a septic system is being installed or upgraded to supply an existing building with plumbing for the first time, a statement of change of use may be required if deemed relevant by the Designated Land Use Authority.

B. PLOT PLAN drawn to scale (8.5 X 11 freehand drawings are acceptable), with all dimensions and distances clearly noted and labeled regarding:

1. Lot number, date, name, address, telephone contact.
2. Property lines, road easements, setbacks, and a topographical drawing prepared by registered land surveyor or civil engineer if deemed necessary by the Designated Land Use Authority to determine compliance with setbacks.
3. Well and septic systems and all connections.
4. All existing structures and their use including recreational vehicles and motor homes being used as temporary dwellings.
5. If relevant, a statement of change of use, listing the old use of structure and its new intended use.
6. All existing structures and their combined square footage. Combined square footage for each building is determined by adding together the floor area of each story of the building plus the area which is directly below exterior roofs as measured from the exterior wall of a building to the roof's edge (see illustration B). The floor area of each story of a building is measured from exterior wall to exterior wall and includes all spaces within that area such as, but not limited to, unfinished spaces, stairwells, closets, and other non-habitable space that have a ceiling height of five (5) feet or more. A basement's floor area should also be added when determining the combined square footage of any building if the ceiling area of 50% or more of the entire basement is three feet or more above finished grade (see illustration A1 and A2). Also, a basement's square footage may only be excluded from the combined square footage calculations if it is partially or completely below Finished Grade (as described above), provided that Finished Grade is no more than three (3) feet above Existing Grade. A topographical drawing prepared by a registered land surveyor or civil engineer shall be required if deemed necessary by the Designated Land Use Authority to determine existing grade or an estimation of pre-development topography.
7. Proposed construction, including designated use and its combined square footage as described in section 6.
8. Signature of the property owners.

C. BUILDING PLANS as submitted to the Grand County Building Department.

These must include:

1. **Elevations either drawn to scale or with all dimensions clearly noted**, which show building height, finished grade, and existing grade. For sites which have never been disturbed, existing grade shall be the same as natural grade which is the elevation of the surface of the ground that existed before any earth was moved. When existing structures or older disturbances to the land make natural grade indistinguishable from existing grade, existing grade is the ground level established when the existing structure or disturbance was created. **Recent earthwork will not necessarily qualify as existing grade and will require a determination from the Building Permit Agent as part of the Grade Review.** Building height is measured as the vertical distance between a horizontal line extending from the highest point of any roof, wall, or parapet (not including chimneys or vents) and the lower of either 1) the lowest point where the vertical face (or a vertical line extending directly below the vertical face) around the perimeter of the building intersects the Existing Grade or 2) the lowest point where the vertical face (or a vertical line extending directly below the vertical face) around the perimeter of the building intersects the Finished Grade (see illustration C1 and C2). The vertical face of the structure includes, but is not limited to walls, foundations, footings, piers, or columns that support a wall. Piers, columns or posts that support a part of the structure that is not enclosed, such as decks or porches, shall not be considered part of the vertical face of the structure when determining height. **Please be aware that enclosing an open area at a later date may change the height measurement for that structure and will not be allowed if it brings the structure out of compliance with height and square footage limits.** For structures for which no part is enclosed, such as carports, height shall be measured from the highest point of the structure to the lowest point in the Finished Grade directly below the structure. A window well that is entirely within five feet of an exterior wall of the structure or the stair to a basement that is entirely within eight feet of an exterior wall of the structure shall not be considered in determining the finished grade (illustrations D and E). A topographical drawing prepared by a registered land surveyor or civil engineer shall be required if deemed necessary by the Designated Land Use Authority to determine existing grade or an estimation of pre-development topography.
2. **Elevations shall also include all exterior light fixtures.**
3. **Floor plans either drawn to scale or with all dimensions clearly noted**, showing the square footage for the floor area of each story as defined in Section C.6 above, with the use of each room or area clearly labeled.
4. **Roof plans** showing all roofs and their dimensions.

E. SIGNED FORMS AND OTHER PERMITS:

1. Acknowledgment of One Dwelling Per Platted Lot.
2. Acknowledgement of Short-Term Rentals Prohibited.
3. Geologic Hazard Release Agreement.
4. Temporary Dwelling Permit Application must be completed and approved with all fees paid if the applicant is planning on living in a recreational vehicle or motor home while building another dwelling on the same lot.
5. Right-of-Way Encroachment permit for all electrical lines, water lines, and driveways that encroach upon any Castle Valley road easement, completed and approved
6. Decommissioning Contract must be completed and approved if a temporary dwelling or preexisting dwelling already exists on the same lot as the proposed dwelling. If determined to be

nonroutine, the Planning and Land Use Commission (PLUC) will first review the contract at their next regularly scheduled meeting and may set conditions requiring the removal of some fixtures. Once the PLUC has approved the contract, the applicant must sign it and have it notarized. The PLUC Chair then signs and has it recorded in the Recorder's Office of Grand County. Decommissioning must occur within 30 days after occupancy of the new dwelling. If determined to be routine, then the Building Permit Agent may approve the contract and the applicant must sign and have it notarized. The Building Permit Agent then signs and has it recorded in the Recorder's Office of Grand County and a copy is made for our files.

7. 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.
8. Signed copy of this information sheet.

F. INSPECTIONS, SURVEYS AND OTHER AGREEMENTS:

1. Acknowledgment and Release Agreement for lots without legal access signed by applicant (unless determined inapplicable by the Designated Land Use Authority).
2. Drainage Review approved and signed by the Town Roads Manager or the Building Permit Agent that shall expire after 12 months, unless a complete Building Permit Application is submitted to the Town within that period.
3. Grade Review to determine existing grade signed by Building Permit Agent or other designated official prior to any earth-moving. 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.
4. Certificate of Occupancy inspection will be performed by the Building Permit Agent at the request of the property owner. The Building Permit Agent signs the Grand County Certificate of Occupancy after the Grand County Building Department does so and after doing a site inspection of Castle Valley's Land Use Regulations such as: setbacks, fencing, outdoor lighting, etc.

G. PAYMENT OF ALL ASSESSED FEES as established in Resolution 2013-1, as amended plus any additional fees incurred to properly evaluate the Application's compliance with Town Land Use Regulations and its impact in the zone in which the land use is to be located.

H. ANYTHING ELSE DEEMED NECESSARY in order to properly evaluate 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.

THE PRINCIPAL ZONING ISSUES THAT WILL BE REVIEWED ARE AS FOLLOWS:

- **Only one dwelling per platted lot.** A dwelling is any building or portion of a building that includes all of the following: facilities for living/sleeping, food preparation, bathing, and sanitation (toilet, sink, and approved wastewater disposal system) as defined in Ordinance 85-3.
- **Only one kitchen is allowed per platted lot.** Additional kitchens may be allowed in a separate building through an approved conditional use permit, or as part of a permitted Internal Accessory Dwelling Unit.
- **An accessory building** may contain some of the facilities that define a dwelling in Ordinance 85-3, but not all.
- **Guest houses, apartments, duplexes, or other construction creating more than one dwelling per platted lot are prohibited.**

- **Short-term rentals for a period of less than thirty (30) days are not permitted.**
- **Bed & Breakfasts are prohibited.**
- Livestock feedlots, fur farms, animal hospitals, kennels, animal byproducts rendering plants, and migratory beekeeping operations of any size, either permanent or temporary are prohibited.
- The raising, care, and keeping of more than one and one-half (1.5) animal units of **livestock** per acre on each legally platted lot as determined from section 4.9 of Ordinance 85-3 is prohibited. No more than 30 **beehives** can be kept on each legally platted lot.
- Certain **home or premises occupations** (home based business) may be allowed with the approval of a conditional use permit according to sections 4.7 & 4.8 of Ordinance 85-3.
- **Well and septic system setbacks** must be 50 feet from property lines and 50 feet from road easements on road frontage. Septic systems must be at least 100 feet from any well; 200 feet is recommended. Wells must be at least 100 feet from any other well.
- **Building setbacks:**
 - All buildings, including municipal buildings, water wells, solar energy systems and other alternative energy structures, above ground water cisterns, above ground metal shipping containers, portable sheds, and septic systems, shall be set back fifty (50) feet from a platted public street easement line, and 30 feet from the property line between contiguous lots.
 - Barns, corrals, pens, coops, and sheds for the keeping of livestock shall be located at least 70 feet from property lines between contiguous lots and at least 100 feet from any existing dwelling on a neighboring lot or parcel.
- **Building area** as defined in Section C.6 above **and height limits** as defined in Section D.1 above (see square footage and height calculation worksheets):
 - The combined square footage of all buildings located on a lot shall not exceed 7,000 square feet.
 - No building or addition to an existing building shall exceed twenty-five (25) feet in building height.
 - No more than 5,000 square feet of combined square footage on a lot shall exceed building height of nineteen (19) feet tall.
 - Except for new additions to existing buildings, the highest point of the structure determines building height for all of the combined square footage of that building.
 - The highest point of a new addition to an existing building determines the building height for all of the combined square footage of that addition.
 - Applicants who wish to build an addition to a building that is noncomplying because of building height and that was constructed or received final approval for construction prior to May 13, 2008, may make one addition that exceeds 25 feet in height to that building, provided that the one addition: does not exceed the building's existing maximum height; does not exceed a maximum height of thirty (30) feet; does not exceed 500 square feet; and does not increase the combined square footage of the building affected by the addition to more than 5,000 square feet.
 - Up to two accessory buildings on a lot may be excluded from the calculation of the total combined square footage on a lot if the excluded building or buildings are each no more than 120 square feet in area and no more than twelve (12) feet in building height, when measured from finished grade.
- **No changes to any wash, drainage or waterway** that affects the exit point of surface water from your property; nor the concentration of discharge at that point.
- **Driveway culvert installation** must be in compliance with the Town's Driveway Culvert Ordinance.

- **Lighting** must be in compliance with the Town’s Lighting Ordinance.

Any **fencing** must be in compliance with the Town’s Fencing Ordinance. All fences shall be constructed within the property boundary line of the owner’s lot and shall not encroach upon an adjacent road easement.

OTHER CONSIDERATIONS:

- 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.
- **Castle Valley zoning approval of a Building Permit Application will be revoked and become invalid if, within six months of receiving Town zoning approval, the applicant has not received a completed Building Permit from the Grand County Building Department with all fees paid.** If the Town’s zoning 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.
- If the County revokes a completed Building Permit 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..
- 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 or addition; 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. If any of the above has occurred, the applicant must begin anew the application process with the Town.
- Building Permits will not be approved that are not in compliance with Castle Valley Land Use Regulations and other applicable laws.
- Permits issued on the basis of false or misleading information are void.
- Construction begun without a valid Building Permit may be subject to delays, fines and/or increased building permit fees.
- Substantive changes in plans (i.e., lay-out, use, structural) after a Building Permit is issued require NEW approval by the Castle Valley Designated Land Use Authority and the Grand County Building Department.
- Applications may be approved or referred to the Castle Valley Planning and Land Use Commission and the Town Council for review. **An Application will not be reviewed unless deemed complete and all required documents and information have been submitted. Permit applications, plans, and supporting documents for nonconforming or noncomplying buildings, or any other nonroutine Land Use Permit Application must be submitted to the Planning and Land Use Commission Clerk by the Monday of the week preceding the Planning Commission Meeting at which the permit will first be reviewed.**

I acknowledge and agree to comply with all requirements as stated on this information sheet.

Property Owner’s Signature: _____

Date: _____

Castle Valley Building Permit Information Sheet

(Initial each page and sign the last page and submit with your ~~other~~ Building Permit ~~Application~~ items)

The Town of Castle Valley is a participant in the Grand County Building Permit process. Your Grand County Building Permit Application must receive **Town of Castle Valley** zoning approval before ~~submission of the Permit to approval by~~ the Grand County Building Department. ~~Signatures on the Grand County Building Permit Application form shall be obtained in the following order include:~~

- 1) The ~~Local~~ South East Utah Health Department (SEUHD) signs with regard to the adequacy of septic/waste disposal systems, including their relationships to wells. **435-259-5602**
- 2) The Castle Valley Designated Land Use Authority signs with regard to compliance with Castle Valley zoning requirements. **Town Office: 435-259-9828 Fax 435-259-9846** HC64 Box 2705, Castle Valley, UT 84532; email: castlevalley@castlevalleyutah.com
- 3) The Grand County Building Department signs with regard to compliance with building codes: **435-259-4134**

Grade Review by the Building Permit Agent must be completed **prior to 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.

No portion of a demolished or 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 demolished or 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. Building demolition may require a Grand County Building Permit.

All **road easement encroachments**, such as the installation of power lines, water lines, driveways, culverts, etc., **must obtain a Right-of-Way Encroachment Permit** from the Town's Roads Manager **prior to any work being done** within a Town road easement.

For **electrical and solar upgrades or installations** only, a Castle Valley Electrical or Solar Energy System Permit must be obtained and Town zoning approval/signature given on the Grand County Building Permit form. 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 Application and not independent of it. Solar Energy System Permit Applications must always be submitted independent of construction work.

Installation of yurts, teepees, or tents on a lot for **permanent or intermittent camping requires approval by the ~~Local Health Department~~ SEUHD of a sanitary sewage and wastewater disposal system**. Residing in these structures is **not permitted** if another **structure** is being used as a **residence** on the lot.

Buildings used for **agricultural purposes** that are not for human habitation and do not contain plumbing or wiring are exempt from having to receive a building permit as stated in state statutes. However, such buildings must obtain a Certificate of Land Use Compliance from the Town of Castle Valley Designated Land Use Authority before they can be constructed or moved into the Town, and may require a Grand County Agricultural Exemption Acknowledgement.

Town zoning approval for a building permit to create an Internal Accessory Dwelling Unit (IADU), as described in Ordinance 85-3 Section 5.10, requires an approved IADU permit.

Property Owner's Initials _____ Date _____

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RV and travel trailers installed for intermittent or permanent residency require a Temporary Dwelling Permit. RVs and travel trailers that are to be kept on the property and used as a dwelling before or during construction also require a Decommissioning Contract.

For well drilling, contact the Castle Valley Water User-Agent at 435-259-9828.

SUBMISSION REQUIREMENTS

In order to gain zoning approval/signature from the Town for a building permit to construct, repair, reconstruct or alter any building, to move any building onto a lot, or any other project that requires a Grand County Building Permit Application, Applicants must provide the following unless determined to be inapplicable by the Designated Land Use Authority:

A. CASTLE VALLEY SEPTIC PERMIT APPLICATION with submission of all information specified on the application form, approved and signed by the Building Permit Agent when a septic system is being installed or upgraded~~plumbing is included~~. If a septic system is being installed or upgraded to supply an existing building with plumbing for the first time, a statement of change of use may be required if deemed relevant by the Designated Land Use Authority.

~~**B. FINAL APPROVAL/SIGNATURE OF LOCAL HEALTH DEPARTMENT** on the Grand County Building Permit Application. When plumbing is present, a copy of the final approved and signed South East Utah Health Department Application for Onsite Waste Water Review including all attachments such as the required property map, and the local Health Department's signature on the Grand County Building Permit Application.~~

CB. PLOT PLAN drawn to scale (8.5 X 11 freehand drawings are acceptable), with all dimensions and distances clearly noted and labeled regarding:

1. Lot number, date, name, address, telephone contact.
2. Property lines, road easements, setbacks, and a topographical drawing prepared by registered land surveyor or civil engineer if deemed necessary by the Designated Land Use Authority to determine compliance with setbacks.
3. Well and septic systems and all connections.
4. All existing structures and their use including recreational vehicles and motor homes being used as temporary dwellings.
5. If relevant, a statement of change of use, listing the old use of structure and its new intended use.
6. All existing structures and their combined square footage. Combined square footage for each building is determined by adding together the floor area of each story of the building plus the area which is directly below exterior roofs as measured from the exterior wall of a building to the roof's edge (see illustration B). The floor area of each story of a building is measured from exterior wall to exterior wall and includes all spaces within that area such as, but not limited to, unfinished spaces, stairwells, closets, and other non-habitable space that have a ceiling height of five (5) feet or more. A basement's floor area should also be added when determining the combined square footage of any building if the ceiling area of 50% or more of the entire basement is three feet or more above finished grade (see illustration A1 and A2). Also, a basement's square footage may only be excluded from the combined square footage calculations if it is partially or completely below Finished Grade (as described above), provided that Finished Grade is no more than three (3) feet above Existing Grade. A topographical drawing prepared by a registered land surveyor or civil engineer shall be required if deemed necessary by the

Commented [CT1]: I don't understand this original language. We only do a septic permit for a new or upgraded system. The state health department will not approve a building permit without determining adequacy of existing septic facilities. The building department deals directly with the health department to acquire the necessary signature.

Commented [CT2]: This paragraph might not be necessary at all. The county building department deals directly with the SEUHD in terms of septic approval on the building permit application. Also, I don't see support for this in the current 85-3 building permit requirements.

Designated Land Use Authority to determine existing grade or an estimation of pre-development topography.

7. Proposed construction, including designated use and its combined square footage as described in section 6.
8. Signature of the property owners.

Commented [CT3]: I try to get signatures of all the owners. Imagine if one owner decided to do something another owner disagrees with. Can of worms.

DC. ~~THREE COMPLETE BUILDING PLANS~~ as submitted to the Grand County Building Department.

These must include:

Commented [CT4]: This is a holdover from when everything was done on paper. Very few submissions are hardcopy anymore. Also, the BPA has access to the county's building permit database and can download the most recent building plans at any time to confirm no substantive changes have been made.

- 1. Elevations ~~drawn to scale~~ either drawn to scale or with all dimensions clearly noted,** which show building height, finished grade, and existing grade. For sites which have never been disturbed, existing grade shall be the same as natural grade which is the elevation of the surface of the ground that existed before any earth was moved. When existing structures or older disturbances to the land make natural grade indistinguishable from existing grade, existing grade is the ground level established when the existing structure or disturbance was created. **Recent earthwork will not necessarily qualify as existing grade and will require a determination from the Building Permit Agent as part of the Grade Review.** Building height is measured as the vertical distance between a horizontal line extending from the highest point of any roof, wall, or parapet (not including chimneys or vents) and the lower of either 1) the lowest point where the vertical face (or a vertical line extending directly below the vertical face) around the perimeter of the building intersects the Existing Grade or 2) the lowest point where the vertical face (or a vertical line extending directly below the vertical face) around the perimeter of the building intersects the Finished Grade (see illustration C1 and C2). The vertical face of the structure includes, but is not limited to walls, foundations, footings, piers, or columns that support a wall. Piers, columns or posts that support a part of the structure that is not enclosed, such as decks or porches, shall not be considered part of the vertical face of the structure when determining height. **Please be aware that enclosing an open area at a later date may change the height measurement for that structure and ~~may will not be allowed if it brings the structure out of compliance with height and square footage limits.~~** For structures for which no part is enclosed, such as carports, height shall be measured from the highest point of the structure to the lowest point in the Finished Grade directly below the structure. A window well that is entirely within five feet of an exterior wall of the structure or the stair to a basement that is entirely within eight feet of an exterior wall of the structure shall not be considered in determining the finished grade (illustrations D and E). A topographical drawing prepared by a registered land surveyor or civil engineer shall be required if deemed necessary by the Designated Land Use Authority to determine existing grade or an estimation of pre-development topography.

Commented [CT5]: Again, most files today are digital which are not to scale.

1-2 Elevations shall also include all exterior light fixtures.

2-3 Floor plans either drawn to scale or with all dimensions clearly noted, drawn to scale showing the square footage for the floor area of each story as defined in Section C.6 above, with the use of each room or area clearly labeled.

3-4 Roof plans showing all roofs and their dimensions.

Commented [CT6]: I can't think of any scenario that "may" allow this to happen.

E. SIGNED FORMS AND OTHER PERMITS:

1. Acknowledgment of One Dwelling Per Platted Lot.
2. Acknowledgement of Short-Term Rentals Prohibited.

Property Owner's Initials _____ Date _____

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3. Geologic Hazard Release Agreement.
4. Temporary Dwelling Permit Application must be completed and ~~and~~ approved with all fees paid if the applicant is planning on living in a recreational vehicle or motor home while building another dwelling on the same lot.
5. Right-of-Way Encroachment permit for all electrical lines, water lines, and driveways that encroach upon ~~the-any~~ Castle Valley road easement, completed and approved
6. Decommissioning Contract must be completed and approved if a temporary dwelling or preexisting dwelling already exists on the same lot as the proposed dwelling. If determined to be nonroutine, the Planning and Land Use Commission (PLUC) will first review the contract at their next regularly scheduled meeting and may set conditions requiring the removal of some fixtures. Once the PLUC has approved the contract, the applicant must sign it and have it notarized. The PLUC Chair then signs and has it recorded in the Recorder's Office of Grand County. Decommissioning must occur within 30 days after occupancy of the new dwelling. If determined to be routine, then the Building Permit Agent may approve the contract and the applicant must sign and have it notarized. The Building Permit Agent then signs and has it recorded in the Recorder's Office of Grand County and a copy is made for our files.
- 6-7. 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.
- 7-8. Signed copy of this information sheet.

F. INSPECTIONS, SURVEYS AND OTHER AGREEMENTS:

1. Acknowledgment and Release Agreement for lots without legal access signed by applicant (unless determined inapplicable by the Designated Land Use Authority).
2. Drainage Review approved and signed by the Town Roads Manager or the Building Permit Agent that shall expire after 12 months, unless a complete Building Permit Application is submitted to the Town within that period.
3. Grade Review to determine existing grade signed by Building Permit Agent or other designated official prior to any earth-moving. 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.
4. Certificate of Occupancy inspection will be performed by the Building Permit Agent at the request of the property owner. -The Building Permit Agent signs the Grand County Certificate of Occupancy after the Grand County Building Department does so and after doing a site inspection of Castle Valley's Land Use Regulations such as: setbacks, fencing, outdoor lighting, etc.

G. PAYMENT OF ALL ASSESSED FEES as established in Resolution 2013-1, as amended plus any additional fees incurred to properly evaluate the Application's compliance with Town Land Use Regulations and its impact in the zone in which the land use is to be located.

H. ANYTHING ELSE DEEMED NECESSARY in order to properly evaluate 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.

THE PRINCIPAL ZONING ISSUES THAT WILL BE REVIEWED ARE AS FOLLOWS:

Property Owner's Initials _____ Date _____

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- **Only one dwelling per platted lot.** A dwelling is any ~~building or structure that is used and occupied as a residence or any~~ building or portion of a building that includes all of the following: facilities for living/sleeping, food preparation, bathing, and sanitation (toilet, sink, and approved wastewater disposal system) as defined in Ordinance 85-3.
- **Only one kitchen is allowed per platted lot.** Additional kitchens may be allowed in a separate building through an approved conditional use permit, ~~or as part of a permitted Internal Accessory Dwelling Unit.~~
- **An accessory building** may contain some of the facilities that define a dwelling in Ordinance 85-3, but not all.
- **Guest houses, apartments, duplexes, or other construction creating more than one dwelling per platted lot are prohibited.**
- **Short-term rentals for a period of less than ~~twenty-five (25)~~thirty (30) days are not permitted.**
- **Bed & Breakfasts are prohibited.**
- Livestock feedlots, fur farms, animal hospitals, kennels, animal byproducts rendering plants, and migratory beekeeping operations of any size, either permanent or temporary are prohibited.
- The raising, care, and keeping of more than one and one-half (1.5) animal units of **livestock** per acre on each legally platted lot as determined from section 4.9 of Ordinance 85-3 ~~is prohibited~~requires a ~~conditional use permit.~~ No more than 30 **beehives** can be kept on each legally platted lot.
- Certain **home or premises occupations** (home based business) may be allowed with the approval of a conditional use permit according to sections 4.7 & 4.8 of Ordinance 85-3.
- **Well and septic system setbacks** must be 50 feet from property lines and 50 feet from road easements on road frontage. Septic systems must be at least 100 feet from any well; 200 feet is recommended. Wells must be at least 100 feet from any other well.
- **Building setbacks:**
 - ~~50 feet from all public easement lines and 30 feet from the property lines between contiguous lots for all buildings, Solar Energy Systems and other alternative energy structures, water tanks, and septic systems. All buildings, including municipal buildings, water wells, solar energy systems and other alternative energy structures, above ground water cisterns, above ground metal shipping containers, portable sheds, and septic systems, shall be set back fifty (50) feet from a platted public street easement line, and 30 feet from the property line between contiguous lots.~~
 - Barns, corrals, pens, coops, and sheds for the keeping of livestock shall be located at least 70 feet from property lines between contiguous lots and at least 100 feet from any existing dwelling on a neighboring lot or parcel.
- **Building area** as defined in Section C.6 above **and height limits** as defined in Section D.1 above (see square footage and height calculation worksheets):
 - The combined square footage of all buildings located on a lot shall not exceed 7,000 square feet.
 - No building or addition to an existing building shall exceed twenty-five (25) feet in building height.
 - No more than 5,000 square feet of combined square footage on a lot shall exceed building height of nineteen (19) feet tall.
 - Except for new additions to existing buildings, the highest point of the structure determines building height for all of the combined square footage of that building.
 - The highest point of a new addition to an existing building determines the building height for all of the combined square footage of that addition.

Commented [CT7]: Per most recent amendment to 85-3.

Commented [CT8]: Per the recent amendment to 85-3.

Commented [CT9]: Per the recent amendment removing 85-3 livestock conditional use permit.

- Applicants who wish to build an addition to a building that is noncomplying because of building height and that was constructed or received final approval for construction prior to May 13, 2008, may make one addition that exceeds 25 feet in height to that building, provided that the one addition: does not exceed the building's existing maximum height; does not exceed a maximum height of thirty (30) feet; does not exceed 500 square feet; and does not increase the combined square footage of the building affected by the addition to more than 5,000 square feet.
- Up to two accessory buildings on a lot may be excluded from the calculation of the total combined square footage on a lot if the excluded building or buildings are each no more than 120 square feet in area and no more than twelve (12) feet in building height, when measured from finished grade.
- **No changes to any wash, drainage or waterway** that affects the exit point of surface water from your property; nor the concentration of discharge at that point.
- **Driveway culvert installation** must be in compliance with the Town's Driveway Culvert Ordinance.
- **Lighting** must be in compliance with the Town's Lighting Ordinance.

Any **fencing** must be in compliance with the Town's Fencing Ordinance. All fences shall be constructed within the property boundary line of the owner's lot and shall not encroach upon an adjacent road easement.

OTHER CONSIDERATIONS:

- 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.
- **Castle Valley zoning approval of a Building Permit Application will be revoked and become invalid if, within six months of receiving Town Approval zoning approval, the applicant has not received a completed Building Permit from the Grand County Building Department with all fees paid.** If the Town's zoning 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.
- If the County revokes a completed Building Permit 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..
- 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 or addition; 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. If any of the above has occurred, the applicant must begin anew the application process with the Town.
- Building Permits will not be approved that are not in compliance with Castle Valley Land Use Regulations and other applicable laws.
- Permits issued on the basis of false or misleading information are void.
- Construction begun without a valid Building Permit may be subject to delays, fines and/or increased building permit fees.

- Substantive changes in plans (i.e., lay-out, use, structural) after a Building Permit is issued require NEW approval by the Castle Valley Designated Land Use Authority and the Grand County Building Department.
- Applications may be approved or referred to the Castle Valley Planning and Land Use Commission and the Town Council for review. **An Application will not be reviewed unless deemed complete and all required documents and information have been submitted. Permit applications, plans, and supporting documents for nonconforming or noncomplying buildings, or any other nonroutine Land Use Permit Application must be submitted to the Planning and Land Use Commission Clerk by the Monday of the week preceding the Planning Commission Meeting at which the permit will first be reviewed.**

I acknowledge and agree to comply with all requirements as stated on this information sheet.

Property Owner's Signature: _____ Date: _____

Property Owner's Initials _____ Date _____

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2022 Meeting Schedule - Town of Castle Valley

Due to COVID meetings will be held virtually on Zoom unless
otherwise posted on Agendas

Regular Town Council Meetings

Held at 6:30 P.M. on the 3rd Wednesday of each month.

January 19

February 16

March 16

April 20

May 18

June 15

July 20

August 17

September 21

October 19

November 16

December 21

Planning & Land Use Commission Meetings

Held at 6:30 P.M. on the 1st Wednesday of each month.

January 5

February 2

March 2

April 6

May 4

June 1

July 6

August 3

September 7

October 5

November 2

December 7

Road Committee Meetings

Held at 4:30 P.M. on the 3rd Tuesday of each month, except where noted.

January 18

February 15

March 15

April 19

May 17

June 14 (2nd Tues)

July 19

August 16

September 20

October 18

November 15

December 20