

AGENDA
PUBLIC HEARING ON THE AMENDED FY 2024 BUDGET AND THE REGULAR TOWN COUNCIL
MEETING

WEDNESDAY, JULY 19 th, 2023 AT 6:30 P.M.

CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE

This meeting will be a hybrid meeting held electronically by Zoom and also in person at the anchor site the Town Building . If you have comments or concerns for the Council please attend or email them prior to the Meeting: townclerk@castlevalleyutah.com or call 259-9828 M-W 9AM-1PM. Thank you!

PLEASE NOTE: ** 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 and Roll Call

PUBLIC HEARING

Public Hearing on the Amended FY2024 Budget

Public Comment

Regular Town Meeting

1. Open Public Comment

2. Approval of Minutes: Public Hearing and Regular Town Council Meeting June 21st, 2023.

3. Executive Reports:

*Water Agent and Water Committee Report - John Groo/ CM O'Brien

*Road Department Report- Dorje Honer

*Planning & Land Use Commission- Colleen Thompson

*Community Renewable Energy Act-CM Gibson

*Fire District-M Duncan /Chief Drake

4. Correspondence: Rocky Mountain Power, Dianne Ackerman.

5. Administrative Matters & Procedures: Town letters.

NEW BUSINESS

6. Discussion and Possible Action re: Voiding Resolution 2023-5 Adopting the Certified Tax Rate and Resolution 2023-4 Adopting the Proposed FY2024 Budget.

7. Discussion and Possible Action re: Resolution 2023-6 Adopting the Certified Tax Rate.

8. Discussion and Possible Action re: Resolution 2023-7 Adopting the Amended FY 2024 Budget.

9. Discussion and Possible Action re: Adopting Amendments to Ordinance 2021-5 Dark Sky Lighting Ordinance.

10. Discussion and Possible Action re: Adopting Amendments to Ordinance 85-3 Definitions: Combined square footage.

11. Discussion and Possible Action re: Recommendation from the PLUC on the interpretation of setbacks on the Town boundary.

12. Discussion and Possible Action re: Approval of the Amended Plat subdivision of Lots 389/390 back to 5 and 7 acre lots respectively.

UNFINISHED BUSINESS - None

13 Closed Meeting (If necessary)

14. Payment of the bills.

ADJOURNMENT

For Meeting Packets go to: <https://www.utah.gov/pmn/index.html> Government: select "Cities"

Entity: select "Castle Valley" Body: select "Town of Castle Valley" Select this meeting and click on "Download attachments"

ATTACHMENTS A B

Castle Valley Budget / Actual 2022, Adopted 2023, Amended 2023, Proposed 2024						
		Operating Budget	ACTUAL 2022 Budget	Adopted 2023 Budget	Amended 2023 Budget	Proposed 2024 Budget
Codes	Operating Income		\$ 294,738.28	\$ 237,500.00	\$ 337,110.00	\$ 272,180.00
	Tax Revenue		\$ 214,037.74	\$ 194,050.00	\$ 207,580.00	\$ 209,370.00
4110	Property Taxes		\$ 135,946.01	\$ 134,400.00	\$ 134,400.00	\$ 136,190.00
4111		Current	\$ 132,361.46	\$ 132,000.00	\$ 132,000.00	\$ 133,790.00
4112		Delinquent	\$ 3,584.55	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00
4150	Sales Tax		\$ 68,437.38	\$ 55,000.00	\$ 68,000.00	\$ 68,000.00
4175	Misc Tax		\$ 9,654.35	\$ 4,650.00	\$ 5,180.00	\$ 5,180.00
4176		Motor Carrier	\$ 688.83	\$ 450.00	\$ 480.00	\$ 480.00
4177		Fee in Lieu	\$ 7,648.94	\$ 2,900.00	\$ 3,100.00	\$ 3,100.00
4199		Other	\$ 1,316.58	\$ 1,300.00	\$ 1,600.00	\$ 1,600.00
	Intergovernmental Revenue		\$ 67,300.13	\$ 36,700.00	\$ 43,600.00	\$ 43,600.00
4210	Class "C" Roads		\$ 40,105.05	\$ 32,000.00	\$ 38,000.00	\$ 38,000.00
4211	Add Road Tax		\$ 6,483.58	\$ 4,700.00	\$ 5,600.00	\$ 5,600.00
4220	Liquor Allotment Fund					
4230	Government Grants					
4299	Other / ARPA		\$ 20,711.50			
4300	Permits and Fees		\$ 2,220.00	\$ 1,250.00	\$ 1,730.00	\$ 1,210.00
4310	Water Agreements		\$ 380.00	\$ 350.00	\$ 95.00	\$ 200.00
4320	Building Permits		\$ 1,355.00	\$ 500.00	\$ 930.00	\$ 500.00
4330	Business Lic/CUP		\$ 305.00	\$ 300.00	\$ 360.00	\$ 360.00
4340	Fines					
4350	School Bus Prkg		\$ -	\$ -	\$ -	\$ -
4399	Other Fees		\$ 180.00	\$ 100.00	\$ 345.00	\$ 150.00
4400	Donations/Private Grants		\$ 7,800.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
4420	Scholarship		\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
4499	Other	pit toilet / RMP	\$ 4,800.00			
4500	Interest		\$ 3,380.41	\$ 2,500.00	\$ 19,200.00	\$ 15,000.00

ATTACHMENTS A B

Operating Expenses		\$ 242,562.13	\$ 237,500.00	\$ 337,110.00	\$ 272,180.00
5100	Administration	\$ 61,552.36	\$ 86,842.00	\$ 65,953.00	\$ 100,794.00
5110	Payroll & Taxes	\$ 37,327.76	\$ 38,492.00	\$ 40,475.00	\$ 42,094.00
5111	Clerk	\$ 26,885.76	\$ 28,050.00	\$ 29,050.00	\$ 30,212.00
5115	Mayor	\$ 10,442.00	\$ 10,442.00	\$ 11,425.00	\$ 11,882.00
5119	Other				
5120	Office Expenses	\$ 2,846.52	\$ 3,500.00	\$ 3,542.00	\$ 3,500.00
5125	Public Notice/ Website	\$ 978.72	\$ 2,000.00	\$ 2,000.00	\$ 2,200.00
5130	Elections	\$ -	\$ 1,000.00	\$ -	\$ 12,000.00
5135	Programs/Events	\$ 6,212.08	\$ 7,350.00	\$ 6,480.00	\$ 7,400.00
5136	Scholarship	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
5137	Clean-Up	\$ 2,890.00	\$ 4,000.00	\$ 3,480.00	\$ 4,000.00
5139	Other / CREP	\$ 322.08	\$ 350.00		\$ 400.00
5150	Professional Services	\$ 3,303.17	\$ 15,500.00	\$ 2,256.00	\$ 16,500.00
5151	Legal	\$ 441.00	\$ 10,000.00	\$ -	\$ 11,000.00
5152	Appeal Authority	\$ -	\$ 1,350.00	\$ 450.00	\$ 1,350.00
5153	Audit	\$ 1,939.00	\$ 2,150.00	\$ 1,456.00	\$ 2,150.00
5154	Database	\$ 923.17	\$ 2,000.00	\$ 350.00	\$ 2,000.00
5160	Dues/Memberships/ Training	\$ 527.94	\$ 2,500.00	\$ 700.00	\$ 2,500.00
5165	Travel		\$ 2,000.00	\$ -	\$ 2,000.00
5170	Telephone	\$ 3,661.00	\$ 4,500.00	\$ 2,500.00	\$ 2,600.00
5175	Insurance/ Bonds	\$ 6,695.17	\$ 10,000.00	\$ 8,000.00	\$ 10,000.00
5180	Interlocal Services - Animal Control				
5199	Other				
5200	Community Bldg/Lot	\$ 25,719.38	\$ 27,020.00	\$ 27,650.00	\$ 28,340.00
5210	Payroll & Taxes	\$ 4,404.38	\$ 6,120.00	\$ 6,150.00	\$ 6,000.00
5260	Cemetery			\$ -	
5261	Payroll				
5269	Other				
5220	Lease/MBA	\$ 6,875.00	\$ 6,750.00	\$ 6,750.00	\$ 6,625.00
5230	Utilities	\$ 971.25	\$ 2,000.00	\$ 3,000.00	\$ 2,900.00
5240	Maintenance Expenses	\$ 1,414.06	\$ 4,000.00	\$ 3,600.00	\$ 4,790.00
5241	Equipment for Community Center				
5250	ARPA Expenses	\$ 3,779.69			
5280	Road Shed Loan	\$ 8,275.00	\$ 8,150.00	\$ 8,150.00	\$ 8,025.00
5299	Other	lot irrigation / reparian fuels			

ATTACHMENTS A B

5300	Planning/ Land Use	\$ 6,014.68	\$ 11,720.00	\$ 6,200.00	\$ 11,446.00
5310	Payroll & Taxes	\$ 6,014.68	\$ 11,220.00	\$ 6,200.00	\$ 11,446.00
5311	Permit Agent	\$ 4,763.90	\$ 6,120.00	\$ 5,200.00	\$ 6,346.00
5312	Clerk	\$ 1,250.78	\$ 5,100.00	\$ 1,000.00	\$ 5,100.00
5320	Professional Services	\$ -	\$ 500.00	\$ -	
5330	Studies				
5399	Other				
5400	Water	\$ 8,677.97	\$ 14,500.00	\$ 46,500.00	\$ 22,800.00
5410	Payroll & Taxes	\$ 2,723.49	\$ 3,000.00	\$ 3,200.00	\$ 3,300.00
5420	Professional Services	\$ 1,200.00	\$ 2,000.00	\$ 1,000.00	\$ 2,000.00
5422	Cemetery Well				
5421	Water Study		\$ 5,000.00	\$ 37,000.00	\$ 17,500.00
5499	Other	Water monitoring	\$ 4,754.48	\$ 4,500.00	\$ 5,300.00
5500	Roads	\$ 70,597.74	\$ 97,418.00	\$ 100,807.00	\$ 108,800.00
5510	Payroll & Taxes	\$ 29,397.11	\$ 41,218.00	\$ 44,757.00	\$ 46,500.00
5511	Road Supervisor	\$ 18,523.65	\$ 26,020.00	\$ 28,257.00	\$ 29,340.00
5512	Road Staff	\$ 10,873.46	\$ 15,198.00	\$ 16,500.00	\$ 17,160.00
5513	Administrator				
5514	Training	\$ 1,111.60	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
5521	Road Legal	\$ -	\$ 2,000.00	\$ 500.00	\$ 2,000.00
5520					
5530	Road Equipment	\$ 27,630.81	\$ 40,000.00	\$ 42,350.00	\$ 41,500.00
5531	Fuel Oil/ Supplies	\$ 9,085.72	\$ 10,000.00	\$ 14,500.00	\$ 10,000.00
5532	Maintenance/ Rep	\$ 6,454.38	\$ 11,000.00	\$ 11,000.00	\$ 11,000.00
5533	Equipment/Tools	\$ 3,212.79	\$ 10,000.00	\$ 6,000.00	\$ 10,000.00
5534	Leased Equipment	\$ 8,877.92	\$ 9,000.00	\$ 10,850.00	\$ 10,500.00
5540	Road Maintenance/ Repair	\$ 12,458.22	\$ 11,700.00	\$ 10,700.00	\$ 16,300.00
5541	Contractors	\$ 223.76	\$ 1,000.00	\$ 1,200.00	\$ 1,000.00
5542	Weed Control				
	Other- seal equip				
5543	Castle Valley Drive				
5544	Shafer				
5549	other / gravel, tre	\$ 12,234.46	\$ 10,700.00	\$ 9,500.00	\$ 15,300.00
5599	Other	CVD / chip sealing			
	Transfers	\$ 70,000.00	\$ -	\$ 90,000.00	\$ -
	To General Fund			\$ 25,000.00	

DRAFT MINUTES
PUBLIC HEARING ON THE PROPOSED FY 2024 BUDGET
AND THE REGULAR TOWN COUNCIL MEETING
WEDNESDAY, JUNE 21st, 2023, AT 6:30 P.M.

CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE

****Due to concerns regarding the potential spread of COVID-19 this meeting was a hybrid meeting held electronically by Zoom and also in person at the anchor site the Town Building.**

Council Members Present: Mayor Duncan Council Member O' Brien and Town Clerk Buck at the anchor site and Council Members: Gibson, Hill, and Holland on Zoom.

Absent: None

Others Present at Anchor Site: Dorje Honer, Colleen Thompson, Mary O'Brien, Ryan Anderson, Brooke Williams, Bill Winfield, Bob Lipman, Deb Holland, Jamie Schmidt (Under Canvas) and Bryan Torgerson (SITLA).

Others present on Zoom: John Groo, Pam Hackley, Ron Drake, Robin and Chris Steinman, Jayne May, Greg Nunn, Laurie Simonson, and Faylene Roth.

Duncan called the Meeting to Order at 6:30 PM, Buck called role.

PUBLIC HEARING

Public Hearing on the Proposed Budget for FY 2024

Public Comment: None

Regular Town Meeting 6:32PM

1. Open Public Comment: None

2. Approval of Minutes:

Public Hearing and Regular Town Council Meeting May 17th, 2023.

CM Hill motioned to approve the Minutes as presented, CM Holland seconded, motion passed unanimously.

Special Town Council Meeting May 26th, 2023.

CM Hill motioned to approve the Minutes as presented, CM Holland seconded, motion passed unanimously.

3. Executive Reports:

*SITLA District Manager Bryan Torgerson and an Under Canvas Representative.

SITLA District Manager Bryan Torgerson and Under Canvas representative Jamie Schmidt attended and answered questions.

- lease with Under Canvas was finalized just about a month ago
- UC has one year to submit their plan to SITLA, currently working on their due diligence

• (Q/A limited to Council Members only)

• Harry Holland prefaced his questions with a review of the long history of SITLA working with Castle Valley to protect land and quoted from the General Plan.

• Harry Q: what criteria does UC used to determine sites for a future expansion?

A: Jamie: there are many criteria, the main ones being in very beautiful location typically next to a national park; access to water and power; preferably 100+ acres, although their camp usually occupies only 40 or 50 of those acres, of which only five or 10 acres are actually disturbed.

• Tory Hill Q: that's a high traffic area for bears, who travel between the mountain and the creek daily. It's a corridor for them as well as elk, deer, and other wildlife.

How will you operate your development to protect not only the wildlife but also your people and guests? A: SITLA has consulted with state wildlife agencies who have made some recommendations which Bryan did not consider insurmountable. They have forwarded those recommendations to UC. Bryan reminded us of the small area the development will actually occupy.

- Mayor Jazmine Duncan Q: can you share some of those recommendations with us. A: There were two things. One is supporting of the critical winter habitat by closing the development in the winter. Another was to suspend construction activities during the spring calving season. They will also put up signs discouraging guests from feeding or interacting with wildlife. Jamie added they have wildlife at some of their other developments and employ bear boxes, etc., so, this is not a new ground for them.

- Pamela Gibson Q: do you intend to comply with Grand County regulations? Bryan: yes, we intend to work with Grand County in good faith and expect them to work with us in good faith. That said, SITLA is exempt from regulations.

Jazmine asked if that also applies to lessees. Bryan replied that "as of right now" it's written into the lease that UC comply with county regulations.

- Bob O'Brien (OB) Q: what do you plan to do about the fire danger? Jamie A: typically we don't allow any open fires, only gas fires. Other UC developments are also in wildfire areas, and we take recommendations and work with local fire departments.

Bryan added it's written into the lease that they must work with local fire departments to mitigate fire danger.

- OB reiterated he's concerned about the fire danger and also speed of response. Jazmine described the test the fire department did to see how long it would take a truck to get up to the site. Harry said best case scenario took 19 minutes to get the truck up to the property boundary, but depending on where the development and the fire actually is it could take an hour as there's a big climb involved. The average age of a fire department member is about 62.

Bryan: we don't have all the answers right now but we're willing to take recommendations and suggestions and incorporate them. Jamie: the tent canvas itself is fire-rated and doesn't burn. Some discussion about the type of heating in each tent. Looking Glass has wood stoves. Jazmine asked if perhaps a safer type of stove could be used. Jamie said that could be discussed.

- Harry asked about the electrical supply up there. Jamie A: that isn't her department but she's willing to find out answers and let us know.

- Harry Q: will there be a restaurant like at Looking Glass Arch? Jamie A: typically, yes, whether it's a sit-down restaurant or a walk-up service. Can't say yet whether it will be a hard sided building or a tent.

- Pamela Q: do you have any idea yet how many guests you will be able to accommodate on a nightly basis? Jamie A: yes, we typically get entitlement for 75 tents, and it's usually 2.5 people per tent; at most it's usually 80% occupancy.

- Tory Q: so, on any given night you'll have about 187 people, which is half the population of the Town of Castle Valley. Jamie A: yes, although at most it's usually 80%-90%.

- Harry Q: there's a helicopter pad at the Zion development. Is that just a rumor,

or is it for emergency landing, or...? Jamie A: yes, there's one at Zion, so I haven't seen one at any other camp. It's used for tours. Jamie doesn't know if that is planned for Castle Valley. She will get us that answer when available.

- Jazmine asked if government agencies review the plan at the end of the year. Jamie said yes, there will be a cursory review by the Grand County Planning Commission. Jazmine asked about interim meetings with various local entities and Jamie said it's her job to meet with local Town and county etc. quite often, and have community meetings.

- Harry Q: can we get a copy of the lease? Bryan A: yes, if you submit a GRAMA request.

- Harry Q: what's the relationship between Under Canvas and KSL Capital? A: KSL Capital is a 51% shareholder.

- Harry Q: what's the feedback from any ranchers who have grazing rights up there? Bryan A: really none. It's such a small area it might only affect one or two cow-calf pairs. Very minimal impact.

- Harry Q: Will this be treated like any other development affected by the Grand County overnight housing overlay? What will SITLA do if Grand County reduces the number of units or simply says no? Bryan A: that's the elephant in the room. Of course we hope Grand County will work with us in good faith but honestly, I don't know the answer to that question right now. Jamie: I corresponded with Grand County when we started this process, and they told me it's not zoned. Harry and Tory: it is zoned for Range and Grazing and might require a zoning change to commercial to allow this. Jamie may have only consulted the online zoning map which Harry said isn't great. Some discussion that it will certainly be a point of conversation; Jamie said she checked quite a while ago.

- Jazmine: what kind of a lease is it? Bryan A: a 30-year lease with option to renew. Jazmine: How is SITLA protected in case of business failure? Bryan: we have an upfront bonding requirement, which because it's mostly just tents, is a \$50,000 reclamation bond, though there is the possibility of increases and if it turns out there's more infrastructure than that amount will reclaim. Tory: I have a background in construction and \$50,000 won't go very far. If there is a permanent building it would be a lot more. Bryan: if the lessee walks away from a more valuable permanent building, SITLA would probably keep it.

- Tory Q: does your business model tell you the minimum number of tents you need to make a go of it? Jamie A: that's not my department, but I suspect it needs to be around 75, partly because construction costs are so high, and it takes a large number of staff whether you have 35 or 75 units.

- Harry Q: Will you provide employee housing, or will workers have to commute? Jamie A: I suspect workers will be driving from Moab. Harry: so, about an hour to get to work. Bryan: 30 minutes. Well, maybe 40 minutes.

- Jamie: thank you for all the questions. Our other developments were met with pretty much the same questions, and we want to work with the locals to address concern.

*Water Agent and Water Committee Report - John Groo updated the NGWMN grant will provide 3 transducers. The grant for the Water Budget Study was declined. There have been no well drilling per-

mits issued in the Valley for almost a year. Work continues on the Water Master Plan. The Peer Review on the Water Study will be finished soon and will affect the Master Plan.

*Road Department Report- Dorje Honer-report provided.

The Army Corp. Engineer forms have been submitted for the Upper Eighty crossing. East Shafer and Miller cul-de-sac's will be finished soon. Places where 90' cul-de-sacs are not possible hammerhead turn arounds will be required.

*Planning & Land Use Commission- Colleen Thompson- Report provided.

*Community Renewable Energy Act-CM Gibson reported Utility Agreement has been re-submitted to RMP after comments from the Municipal Attorneys. The Opt Out notices should be finished soon.

*Fire District-Chief Drake reported there is high fire danger in the Valley, no open burning. There will be a Parade and Brunch to Celebrate the 4th of July.

4. Correspondence: None

5. Administrative Matters & Procedures: Town letters-none. Declaration of Candidacy results 2 incumbent Council Members Pamela Gibson and Tory Hill have declared their candidacy so if there is no write in candidates by September 20th, we won't need to hold an election.

NEW BUSINESS 1:01

6. Discussion and Possible Action re: Awarding the 2023 Castle Valley Scholarship.

M Duncan introduced the applicant, Bianca Mitchell.

CM O'Brien motioned to award the Castle Valley Scholarship to Bianca Mitchell; CM Gibson seconded motion passed unanimously.

7. Discussion and Possible Action re: Interpretation and clarification of language concerning setbacks from Town property line boundaries.

Thompson explained that she found a conflict/ambiguity between the definition of a "setback" and language in Chapter 5.2 Ordinance 85-3. She asked for clarification as it could relate to an ongoing situation. Is the current setback of 30' the same for Town Boundaries and contiguous lots within the Town?

M Duncan asked for a determination of intent for the PLUC.

CM Hill motioned to clarify that a 30' setback from property lines applies to all boundaries; CM Gibson seconded motion passed unanimously.

8. Discussion and Possible Action re: Town Lot and Building Rental Agreement.

M Duncan explained we have a very outdated agreement that needs updating. CM Hill wanted to add a set a gathering size scale for the cost of the rental to offset the cost of the vault toilet pumping and maintenance. She wanted to save Community events money on having to rent porta-pottys but cover Town costs. A threshold should be set for the number of people at an event before porta-pottys would be required. Only for-profit events should be charged fees. Simonson will review the agreement and we will need to add a release form. Pumping costs will be researched. Item dropped.

9. Discussion and Possible Action re: Resolution 2023-4 Adopting the 2024 Budget.

CM O'Brien motioned to approve Resolution 2023-4 Adopting the 2024 Budget, CM Gibson seconded, motion passed unanimously.

10. Discussion and Possible Action re: Resolution 2023-5 Adopting the Certified Tax Rate.

CM Hill motioned to approve Resolution 2023-5 Adopting the Certified Tax Rate, CM O'Brien seconded, motion passed unanimously.

11. Discussion and Possible Action re: Utah Open Land Upper Eighty Easement Agreement.

CM Hill motioned to approve Utah Open Land Upper Eighty Easement Agreement; CM Gibson seconded motion passed unanimously.

12. Discussion and Possible Action re: Southeast Utah Riparian Partnership MOU.

CM O'Brien motioned to approve the Southeast Utah Riparian Partnership MOU, CM Hill seconded motion passed unanimously.

UNFINISHED BUSINESS - none

13 Closed Meeting (If necessary)

14. Payment of the bills.

CM O'Brien motioned to pay the bills, CM Gibson seconded, motion passed unanimously.

Bill Winfield presented information on matching land grants for EV chargers on Municipal properties. He added that it helps to have a Grand County Commissioner's support for CIB applications. Buck pointed out that small entities are encouraged to apply for CIB and CDBG grants but the process of applying is very labor intensive. M Duncan thanked Winfield for attending.

ADJOURNMENT

CM Hill motioned to adjourn, CM Gibson seconded, motion passed unanimously.

M Duncan adjourned the Meeting at 8:10 PM

Approved:

Attested:

Jazmine Duncan, Mayor

Jocelyn Buck, Town Clerk

Town of Castle Valley
Road Department
Monthly Report Q4 FY 2023

Dorje Honer
July 12, 2023

ROAD MAINTENANCE

- Ditch work was done on Buchanan, Castle Valley Drive intersection and surrounding area after flooding event.
- Mowing along Castle Valley Drive is mostly complete (2 swaths). We will try to do more as temperature and moisture allows to increase visibility/firebreak.)

PROJECTS

- Grading:
 - Grading is mostly complete. There are a few locations we still plan on going over for road surfacing however this will require some natural moisture as well as what we can put down. Ditch maintenance may continue through the summer months, however most resurfacing is complete.
 - Completed (This Quarter): E. Shafer, W. Bailey, E. Lazarus, W. Pope*, Keogh*, E. Buchanan*, E. Miller*, W. Buchanan*, E. Pope, Firecliff*, Rimrock, Castle Creek*, Homestead, Amber, E. & W. Chamisa, E. Rimshadow, E. Lazarus, E. Bailey, E. Pace, E. Holyoak*.
 - NOTE: * refers to clean-up and other auxiliary aspects to be completed.
- Mowing
 - 2 Passes were done along castle valley drive. We may mow a bit further back as moisture allows.
- Vault Toilet was installed at the Town Lot.
- US Army Corp. Authorization Complete for Upper 80 Crossing.
 - The work will be completed shortly.
- 2 Cul-De-Sacs were completed. (E. Bailey & E. Miller).
 - Some material still needs to be collected, but the surface is to-size and should be 4-season.

MATERIALS

- Some material will continue to be spread on silty/muddy areas over the coming months.
- Large material in the easement is planned to be recovered for large washout incidents.

REQUISITIONS

- Rear Right Outer tire replacement (Ford Dump Truck).
- Material Plans for next fiscal year. (mostly gravel wanted).
- Steel for Grizzly (Completed)

ACQUISITIONS

- Ingersol-Rand Twin-stage compressor.
- Grease, Transmission fluid, Power steering fluid, other misc consumables.
- Marking Paint.
- Hose Clamps.

EQUIPMENT

- NOTE: Unlisted are operational, but may have issues.
- Mower
 - Limited-Time Functionality (Hydraulic Oil Heat/leaks)
 - Deck extended and front guard added.
 - Dipperstick ends bent together and welded.
 - Deck tilt bushing hole repaired.
 - Valve levers tightened.
 - Radiator Cap seal remade.
 - Deck mounting point shifted forward to prevent catching.
 - Hydraulic Oil Cooling System Required. (In progress)
 - Hydraulic Oil seems to have thermal runaway and starts leaking profusely after about 2 hours of use.
- Ford Dump Truck
 - Fully functional as a water truck.
 - Steering checked and tightened.
 - Water tank inlet fixed.
 - Water tank starter cord repaired.

- Could use replacement of right rear outer tire.
- Backhoe
 - 1000 hour maintenance completed.
 - Fully Operational.
- Loader
 - Seal replacement work In Progress.
 - Non-Operable (Under Repair)

FACILITIES

- Vault Toilet Installed.
- Shop Redesign complete, final organization in progress.

TRAINING

- Nothing to report at this time.

BUDGET

- We are currently within our budget for the year.

INCIDENTS & ACCIDENTS

- Nothing to report at this time.

WORK SCHEDULE

- The road crew works a flexible schedule (usually Mondays & Tuesdays) based upon: resources available, prioritization of work, weather conditions, and the private schedule of its employees. The road crew currently does not work on Sundays except for emergencies.

Town of Castle Valley

Road Work - Employee Summary

Between 4/1/2023 and 6/30/2023

EMPLOYEE: 004 / Mike Souza

Grading Total Hours: 26		
Drainage Maintenance Total Hours: 4.5		
Mowing Total Hours: 1		
Equipment Maintenance Total Hours: 11.5		
Water Road Surface Total Hours: 25		
Flood Repair Total Hours: 8		
Tree Trimming Total Hours: 1.5		
Material Processing Total Hours: 30.5		
Materials Hauling Total Hours: 4		
Grounds Maintenance Total Hours: 29		
Facilities Maintenance Total Hours: 0.5		
Equipment Repair Total Hours: 9		
Road Inspection Total Hours: 2.5		
Parts / Supplies Travel Total Hours: 2		
Spring Cleanup Total Hours: 6		
Mike Souza Total	161	\$3,220.00

EMPLOYEE: 012 / Dorje Honer

Grading Total Hours: 69		
Drainage Maintenance Total Hours: 3		
Mowing Total Hours: 11		
Signing Total Hours: 4.5		
Fencing Total Hours: 1.5		
Culverts Total Hours: 5		
Flood Control Total Hours: 6.5		
Fire Control Total Hours: 1		
Reclamation Total Hours: 6		
Equipment Maintenance Total Hours: 17.5		
Road Surface Compaction Total Hours: 1.5		
Rock Removal Total Hours: 4		
Material Processing Total Hours: 2		
Materials Hauling Total Hours: 11		
Grounds Maintenance Total Hours: 19		

Equipment Repair Total Hours: 42.5		
Road Inspection Total Hours: 2		
Spring Cleanup Total Hours: 9		
Dorje Honer Total	216	\$5,400.00

EMPLOYEE: 013 / Dorje Honer

Road Inspection Total Hours: 3		
Road Meeting Total Hours: 4.5		
Other Meeting Total Hours: 7.5		
Online Research Total Hours: 7.5		
Parts / Supplies Travel Total Hours: 2		
Other Travel Total Hours: 10		
Training Total Hours: 13		
Administration Total Hours: 66		
Dorje Honer Total	113.5	\$2,270.00
Report Total	490.5	\$10,890.00

Town of Castle Valley
Road Work - Equipment Summary
Between 4/1/2023 and 6/30/2023

EQUIPMENT: 001 / 1984 Crafco 670A Motor Grader

Grading Total Hours: 69

Drainage Maintenance Total Hours: 3

Equipment Maintenance Total Hours: 5.5

Equipment Repair Total Hours: 1

1984 Crafco 670A Motor Grader Total Hours: 78.5

EQUIPMENT: 003 / 1998 GMC C6500 Dump Truck

Water Road Surface Total Hours: 3

Road Surface Compaction Total Hours: 1.5

Material Processing Total Hours: 1.5

Materials Hauling Total Hours: 15

Grounds Maintenance Total Hours: 2.5

Equipment Repair Total Hours: 1

1998 GMC C6500 Dump Truck Total Hours: 24.5

EQUIPMENT: 004 / 1984 Ford T6610 Tractor

Mowing Total Hours: 11

Equipment Maintenance Total Hours: 9

Equipment Repair Total Hours: 36.5

Online Research Total Hours: 5.5

1984 Ford T6610 Tractor Total Hours: 62

EQUIPMENT: 006 / Personal Vehicle

Mowing Total Hours: 1

Signing Total Hours: 0.5

Flood Control Total Hours: 3

Tree Trimming Total Hours: 1.5

Road Inspection Total Hours: 6.5

Other Meeting Total Hours: 2

Other Travel Total Hours: 10

Personal Vehicle Total Hours: 24.5

EQUIPMENT: 007 / 2019 John Deere 310S Backhoe

Grading Total Hours: 26

Drainage Maintenance Total Hours: 4.5
Reclamation Total Hours: 6
Equipment Maintenance Total Hours: 12.5
Flood Repair Total Hours: 8
Rock Removal Total Hours: 1
Material Processing Total Hours: 31
Grounds Maintenance Total Hours: 34
Facilities Maintenance Total Hours: 0.5
Spring Cleanup Total Hours: 8

2019 John Deere 310S Backhoe Total Hours: 131.5

EQUIPMENT: 008 / 1984 Ford F800 Dump Truck

Fire Control Total Hours: 1
Equipment Maintenance Total Hours: 2
Water Road Surface Total Hours: 22
Equipment Repair Total Hours: 5

1984 Ford F800 Dump Truck Total Hours: 30

EQUIPMENT: 009 / 2000 Grizzly Soil & Rock Separator

Equipment Repair Total Hours: 8
2000 Grizzly Soil & Rock Separator Total Hours: 8

EQUIPMENT: 011 / 2003 Ford f350

Signing Total Hours: 1
Fencing Total Hours: 1.5
Culverts Total Hours: 5
Flood Control Total Hours: 1.5
Road Inspection Total Hours: 1
Parts / Supplies Travel Total Hours: 4
2003 Ford f350 Total Hours: 14
Report Total Hours: 373

Town of Castle Valley

Road Work - Roads Summary

Between 4/1/2023 and 6/30/2023

ROAD: 002 / Bailey Lane East

Employee Total: \$425.00
Equipment Total: \$1,675.00
Bailey Lane East Total: \$2,100.00
Bailey Lane East Percentage of ReportTotal: 10.17%

ROAD: 003 / Bailey Lane West

Employee Total: \$180.00
Equipment Total: \$820.00
Material Total: \$0.00
Bailey Lane West Total: \$1,000.00
Bailey Lane West Percentage of ReportTotal: 4.84%

ROAD: 004 / Buchanan Lane East

Employee Total: \$260.00
Equipment Total: \$1,235.00
Material Total: \$98.00
Buchanan Lane East Total: \$1,593.00
Buchanan Lane East Percentage of ReportTotal: 7.71%

ROAD: 005 / Buchanan Lane West

Employee Total: \$505.00
Equipment Total: \$2,510.00
Material Total: \$0.00
Buchanan Lane West Total: \$3,015.00
Buchanan Lane West Percentage of ReportTotal: 14.60%

ROAD: 006 / Castle Creek Lane

Employee Total: \$30.00
Equipment Total: \$0.00
Castle Creek Lane Total: \$30.00
Castle Creek Lane Percentage of ReportTotal: 0.15%

ROAD: 007 / Castle Valley Drive

Employee Total:	\$845.00
Equipment Total:	\$2,205.00
Material Total:	\$0.00
Castle Valley Drive Total:	\$3,050.00
Castle Valley Drive Percentage of ReportTotal:	14.77%

ROAD: 020 / Keough Lane

Employee Total:	\$170.00
Equipment Total:	\$855.00
Keough Lane Total:	\$1,025.00
Keough Lane Percentage of ReportTotal:	4.96%

ROAD: 021 / Lazaris Lane East

Employee Total:	\$60.00
Equipment Total:	\$225.00
Material Total:	\$0.00
Lazaris Lane East Total:	\$285.00
Lazaris Lane East Percentage of ReportTotal:	1.38%

ROAD: 022 / Lazaris Lane West

Employee Total:	\$187.50
Equipment Total:	\$515.00
Lazaris Lane West Total:	\$702.50
Lazaris Lane West Percentage of ReportTotal:	3.40%

ROAD: 025 / Miller Lane East

Employee Total:	\$777.50
Equipment Total:	\$2,530.00
Miller Lane East Total:	\$3,307.50
Miller Lane East Percentage of ReportTotal:	16.01%

ROAD: 028 / Pace Lane West

Employee Total:	\$187.50
Equipment Total:	\$975.00
Pace Lane West Total:	\$1,162.50
Pace Lane West Percentage of ReportTotal:	5.63%

ROAD: 030 / Pope Lane West

Employee Total: \$225.00

Equipment Total: \$1,025.00

Material Total: \$0.00

Pope Lane West Total: \$1,250.00

Pope Lane West Percentage of ReportTotal: 6.05%

ROAD: 034 / Shafer Lane East

Employee Total: \$262.50

Equipment Total: \$1,007.50

Material Total: \$120.00

Shafer Lane East Total: \$1,390.00

Shafer Lane East Percentage of ReportTotal: 6.73%

ROAD: 038 / Castle Valley Drive Upper 80

Employee Total: \$165.00

Equipment Total: \$135.00

Castle Valley Drive Upper 80 Total: \$300.00

Castle Valley Drive Upper 80 Percentage of ReportTotal: 1.45%

ROAD: 039 / Greenbelt

Employee Total: \$20.00

Equipment Total: \$0.00

Greenbelt Total: \$20.00

Greenbelt Percentage of ReportTotal: 0.10%

ROAD: 041 / Town Building

Employee Total: \$75.00

Town Building Total: \$75.00

Town Building Percentage of ReportTotal: 0.36%

ROAD: 044 / Road Shop

Employee Total: \$50.00

Road Shop Total: \$50.00

Road Shop Percentage of ReportTotal: 0.24%

ROAD: 047 / Moab

Employee Total: \$75.00

Equipment Total: \$225.00

Material Total: \$0.00

Moab Total: \$300.00

Moab Percentage of ReportTotal: 1.45%

Report Total: \$20,655.50

Town of Castle Valley
Work Log - Work Type Summary
Between 4/1/2023 and 6/30/2023

WORK TYPE: 001 / Grading

Employee Totals: 95 Hours	\$2,245.00
Equipment Totals: 95 Hours	\$10,530.00
Grading Total:	\$12,775.00
Grading Percentage of Report Total:	34.29%

WORK TYPE: 004 / Drainage Maintenance

Employee Totals: 7.5 Hours	\$165.00
Equipment Totals: 7.5 Hours	\$660.00
Drainage Maintenance Total:	\$825.00
Drainage Maintenance Percentage of Report Total:	2.21%

WORK TYPE: 007 / Mowing

Employee Totals: 12 Hours	\$295.00
Equipment Totals: 12 Hours	\$660.00
Mowing Total:	\$955.00
Mowing Percentage of Report Total:	2.56%

WORK TYPE: 008 / Signing

Employee Totals: 4.5 Hours	\$112.50
Equipment Totals: 1.5 Hours	\$0.00
Signing Total:	\$112.50
Signing Percentage of Report Total:	0.30%

WORK TYPE: 009 / Fencing

Employee Totals: 1.5 Hours	\$37.50
Equipment Totals: 1.5 Hours	\$0.00
Fencing Total:	\$37.50
Fencing Percentage of Report Total:	0.10%

WORK TYPE: 010 / Culverts

Employee Totals: 5 Hours	\$125.00
Equipment Totals: 5 Hours	\$0.00

Culverts Total:	\$125.00
Culverts Percentage of Report Total:	0.34%

WORK TYPE: 011 / Flood Control

Employee Totals: 6.5 Hours	\$162.50
Equipment Totals: 4.5 Hours	\$0.00
Flood Control Total:	\$162.50
Flood Control Percentage of Report Total:	0.44%

WORK TYPE: 012 / Fire Control

Employee Totals: 1 Hours	\$25.00
Equipment Totals: 1 Hours	\$75.00
Material Totals:	\$0.00
Fire Control Total:	\$100.00
Fire Control Percentage of Report Total:	0.27%

WORK TYPE: 013 / Reclamation

Employee Totals: 6 Hours	\$150.00
Equipment Totals: 6 Hours	\$360.00
Reclamation Total:	\$510.00
Reclamation Percentage of Report Total:	1.37%

WORK TYPE: 014 / Equipment Maintenance

Employee Totals: 29 Hours	\$667.50
Equipment Totals: 29 Hours	\$2,155.00
Equipment Maintenance Total:	\$2,822.50
Equipment Maintenance Percentage of Report Total:	7.58%

WORK TYPE: 015 / Water Road Surface

Employee Totals: 25 Hours	\$500.00
Equipment Totals: 25 Hours	\$1,875.00
Material Totals:	\$0.00
Water Road Surface Total:	\$2,375.00
Water Road Surface Percentage of Report Total:	6.38%

WORK TYPE: 016 / Road Surface Compaction

Employee Totals: 1.5 Hours	\$37.50
Equipment Totals: 1.5 Hours	\$112.50

Road Surface Compaction Total:	\$150.00
Road Surface Compaction Percentage of Report Total:	0.40%

WORK TYPE: 017 / Flood Repair

Employee Totals: 8 Hours	\$160.00
Equipment Totals: 8 Hours	\$480.00
Flood Repair Total:	\$640.00
Flood Repair Percentage of Report Total:	1.72%

WORK TYPE: 018 / Tree Trimming

Employee Totals: 1.5 Hours	\$30.00
Equipment Totals: 1.5 Hours	\$0.00
Tree Trimming Total:	\$30.00
Tree Trimming Percentage of Report Total:	0.08%

WORK TYPE: 021 / Rock Removal

Employee Totals: 4 Hours	\$100.00
Equipment Totals: 1 Hours	\$60.00
Rock Removal Total:	\$160.00
Rock Removal Percentage of Report Total:	0.43%

WORK TYPE: 022 / Material Processing

Employee Totals: 32.5 Hours	\$660.00
Equipment Totals: 32.5 Hours	\$1,972.50
Material Processing Total:	\$2,632.50
Material Processing Percentage of Report Total:	7.07%

WORK TYPE: 023 / Materials Hauling

Employee Totals: 15 Hours	\$355.00
Equipment Totals: 15 Hours	\$1,125.00
Material Totals:	\$218.00
Materials Hauling Total:	\$1,698.00
Materials Hauling Percentage of Report Total:	4.56%

WORK TYPE: 024 / Grounds Maintanence

Employee Totals: 48 Hours	\$1,055.00
Equipment Totals: 36.5 Hours	\$2,227.50
Grounds Maintanence Total:	\$3,282.50
Grounds Maintanence Percentage of Report Total:	8.81%

WORK TYPE: 025 / Facilities Maintenance

Employee Totals: 0.5 Hours	\$10.00
Equipment Totals: 0.5 Hours	\$30.00
Facilities Maintenance Total:	\$40.00
Facilities Maintenance Percentage of Report Total:	0.11%

WORK TYPE: 026 / Equipment Repair

Employee Totals: 51.5 Hours	\$1,242.50
Equipment Totals: 51.5 Hours	\$3,010.00
Equipment Repair Total:	\$4,252.50
Equipment Repair Percentage of Report Total:	11.42%

WORK TYPE: 090 / Road Inspection

Employee Totals: 7.5 Hours	\$160.00
Equipment Totals: 7.5 Hours	\$0.00
Road Inspection Total:	\$160.00
Road Inspection Percentage of Report Total:	0.43%

WORK TYPE: 093 / Road Meeting

Employee Totals: 4.5 Hours	\$90.00
Road Meeting Total:	\$90.00
Road Meeting Percentage of Report Total:	0.24%

WORK TYPE: 095 / Other Meeting

Employee Totals: 7.5 Hours	\$150.00
Equipment Totals: 2 Hours	\$0.00
Other Meeting Total:	\$150.00
Other Meeting Percentage of Report Total:	0.40%

WORK TYPE: 096 / Online Research

Employee Totals: 7.5 Hours	\$150.00
Equipment Totals: 5.5 Hours	\$330.00
Online Research Total:	\$480.00
Online Research Percentage of Report Total:	1.29%

WORK TYPE: 097 / Parts / Supplies Travel

Employee Totals: 4 Hours	\$80.00
Equipment Totals: 4 Hours	\$0.00

Parts / Supplies Travel Total:	\$80.00
Parts / Supplies Travel Percentage of Report Total:	0.21%

WORK TYPE: 098 / Other Travel

Employee Totals: 10 Hours	\$200.00
Equipment Totals: 10 Hours	\$0.00
Other Travel Total:	\$200.00
Other Travel Percentage of Report Total:	0.54%

WORK TYPE: 099 / Spring Cleanup

Employee Totals: 15 Hours	\$345.00
Equipment Totals: 8 Hours	\$480.00
Spring Cleanup Total:	\$825.00
Spring Cleanup Percentage of Report Total:	2.21%

WORK TYPE: 997 / Training

Employee Totals: 13 Hours	\$260.00
Training Total:	\$260.00
Training Percentage of Report Total:	0.70%

WORK TYPE: 998 / Administration

Employee Totals: 66 Hours	\$1,320.00
Administration Total:	\$1,320.00
Administration Percentage of Report Total:	3.54%
Report Total:	\$37,250.50

DRAFT Minutes

7/12/2003 Castle Valley Planning & Land Use Commission
2 Castle Valley Dr., Castle Valley UT

Chairman Ryan Anderson opened the hybrid (zoom + in-person) public meeting at 6:32 PM Wednesday, July 12, 2023. Clerk Jessica Maw was excused.

PLUC members present: Ryan Anderson, Jeff Whitney, Colleen Thompson in person, and Julie Baird and Marie Hawkins via zoom.

Members of the public present: Mayor Jazmine Duncan and Faylene Roth in person, and Mary Wakeley, Paul Lessig, and Lindsay Lessig via zoom.

Public Hearing on proposed amendments to Dark Sky Lighting Ordinance 2021-5

Introduction by Faylene Roth, a member of the Dark Sky Committee: if we go back to the 2019 survey, 75.9% of the respondents were supportive of strengthening our dark sky ordinance to maintain our dark skies and 74.74% wanted to pursue the Dark Sky certification. Prior to the current Dark Sky Lighting Ordinance adoption on December 15, 2021 we already had a really strong ordinance for dark skies [1991], but the original ordinance didn't address lumens and color temperature, which is the blue to yellow spectrum of lights and how they affect wildlife health and the quality of the night sky. What the 2021 ordinance really failed to do was to delineate how the Town, church, fire department, and other possible public type lots are going to comply with the new ordinance, while providing adequate safe parking lot lights. So we needed to address those issues we were naïve about previously. There were also a couple of changes required for certification, such as changing motion sensor lights from 10 to 5 minutes. They also wanted us to address athletic fields and courts, so one amendment here is to prohibit lighting for those spaces. If such lighting is desired in the future we can deal with it then.

There was some discussion about whether to only take public comment at this time, or to go through the proposed amendments so the public would have some context for their comments. Ryan polled attendees and decided to review the proposed amendments at this time.

Faylene went through the proposed amendments (see meeting packet). She added that perhaps we should consider changing the time period to come into compliance; currently it's two years from the effective date of the ordinance (December 15, 2021). She suggested two years from the adoption of these amendments, or possibly five years from the original date. This would give the Town more time to disseminate this information to the community.

Ryan then asked for any comments from the public.

Mary Wakeley (MW): "this is a question—so on residential, poles can't be taller than 6 foot, is is that correct? So if I have a light on a pole it can't be taller than a 6 foot pole? and you said in the parking area, so like if I had a pole outside of a building—I just try and clarify like if I have a pole—and you know, I have a pickup truck that wouldn't even go underneath that pole, or if I had a family [member] that's over 6 foot walking close to that pole—I'm just kind of curious how you came up with the 6 foot height? I don't remember what section it was on it was section IV or something."

Colleen pointed out that the ordinance only addresses light poles in parking areas, and there may be other areas such as livestock handling that this height limitation would not apply to. However these lights would still need to comply with all the other standards like shielding and lumens.

MW: "Correct. It sounds like just if it's 6 foot in a parking area—so your public lights can be 15 feet. A

horse trailer or my camping trailer, there would be so many things that would not go underneath the 6 foot light. So that's why I'm just kind of wondering how you come up with that 6 foot for residential in a parking area. It just kind of seems very short."

Faylene responded that it may originally had to do with putting a light at the entrance to your driveway where we wouldn't want, say, a 10 foot pole. But there's a point there, because if you had a light above your garage door it would be higher than 6 feet, so this seems like something to discuss.

MW: "Well, I'm just on a hillside so my driveway is very narrow because I am built on a hillside, and so anything that we put up is very close to our driveway, because of that, you know what I mean. And we are very conscious that we don't want to shed light down the hill to our neighbors. So it just seems just very short for what we would need a light bulb for, you know what I mean. That's all."

Jocelyn said we could move it up to 10, and Colleen suggested that we discuss this when we get to that line item in the agenda. Ryan thanked Mary for bringing up that concern.

There was no other public comment, so the public hearing on the proposed amendments to the Dark Sky Lighting Ordinance 2021-5 was adjourned.

Public Hearing on update to language in Ordinance 85-3, Definition of "Combined Square Footage"

Ryan asked Colleen to introduce the subject on behalf of herself, Jazmine, and Jeff, who all worked on the language.

In our land-use ordinance we limit the square footage of buildings on a lot to 7000 ft.², but we have our own definition of "Combined Square Footage" which includes porch roofs and eaves, and counts multiple floors separately. As Building Permit Agent the question has come up about a two-story house with a patio or parking area that's open on the ground underneath all or part of the second floor, which is ambiguous in the ordinance. Should that be counted? In the ordinance the introductory part of our building chapter says that one goal is to protect the viewshed (by limiting the visual perceived size of buildings). In previous discussions there seems to be a consensus that we should come up with a way to count this type of space.

The proposed addition to the definition of Combined Square Footage in Ordinance 85-3 is: "The area of any portion of the building which is not enclosed, but which is directly below an enclosed upper floor, for uses including but not limited to carport or patio, shall also be included in the Combined Square Footage, measured between the supports and the main wall, provided: the average grade of such area is 6% or less; only those parts of such area with a ceiling height of seven feet or more shall be counted (the lowest point of any joists or other horizontal supports shall determine the ceiling height); and the narrowest horizontal dimension (width) of such area is 8 feet or more, and a total square footage of 200 sq. ft. or more."

Ryan asked for any public comment on this proposed addition to the definition of Combined Square Footage.

Faylene: " I see one area that could cause some confusion; because you say for uses including but not limited to carport or patio, which to me would show that there's going to be some grading underneath—you know you're not gonna drive your car or truck up through the rocks or random rocks or something, but what if (I don't have this situation) but what if I'm going to kind of leave it natural—it could be weedy or whatever—and I'm going to use it for storage? I'm going to put, you know, I shouldn't say lawnmower

because I don't have a lawnmower, or my charcoal grill—gonna slide that under there—and just some random storage, the top to my pickup truck, or something like that? So would that person not have their that area counted as square footage, because they're not using it in a refined way? If that's not what you want I think you should include storage."

Jazmine and Colleen pointed out that it's "not limited to" carport or patio.

Faylene: "I know, but carport and patio, like I said, indicates that there's some finishing to the area—"

Colleen interjected that it does specify 6% grade.

Faylene: "OK. I'm just saying having been the Building Permit Agent, I could just see someone making the argument 'why are you counting that?' I mean, you know, throw some garbage cans or something under there—just random—you know, tires and wheels. I mean they're using it as storage but it has the same visual impact. I think if you want to give some concrete examples to avoid confusion you should include storage, and not enclosed storage, however you want to word that."

Colleen suggested we could just add "storage" along with carport and patio. Faylene agreed.

After thanking Faylene, Ryan asked for any more public comment. There was none, and the public hearing on update to language in Ordinance 85-3, Definition of "Combined Square Footage" was adjourned at 7:05 PM.

REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION

Ryan called to order the regular meeting at 7:06 PM, saying another roll call and determination are unnecessary.

1. Adoption of Agenda. Motion to adopt by Jeff, second by Colleen. Roll call vote was unanimous.

2. Open Public Comment. There was none.

3. Reports & Correspondence. Ryan had none. Colleen reported none in Jessica's email.

Town Council Meeting(s)—Thompson. The complete report is rather lengthy and included in the packet. Ryan asked for just the main points. Colleen noted the audio recording will be up on the state notification website soon and recommends listening to it, because there was a healthy discussion with Brian Torgerson of SITLA and an Under Canvas representative, Jamie Schmidt, who is the UC land entitlement person. It was a wide ranging discussion with a lot of good questions.

Building Permit Agent Report—Thompson. There were 4 building permits issued in June (see report in packet).

4. Administrative & Procedural Matters

Discuss Updates to Future Town Survey: Ryan said we may need to consider some of the information that we've heard at public hearings tonight, including sections related to the Dark Sky Lighting Ordinance and changes to Ordinance 85-3 to make sure that we're keeping pace with what the public wants to weigh in on. Other than that we won't be dealing with the survey tonight.

NEW BUSINESS

5. Recommendation for Town Council on clarifying Ordinance 85-3 regarding building setback requirements from Town boundaries.

Colleen noted that as BPA she recently requested clarification from the Town Council on setbacks from Town boundaries, which is rather ambiguous in the ordinance. The Town Council is the Land Use Authority in interpreting Town ordinances. Jazmine discovered that we did not follow proper procedure, and first step should be that the PLUC sends a recommendation on said interpretation to the Town Council, which will then make their decision.

A landowner recently asked the BPA if the setback requirements apply to his property line, which is on the Town boundary with County property on the other side. The owner claims that setbacks are not required from this property line. The BPA found the ordinance ambiguous. Setbacks are defined in two places. In Definitions, setback is measured from the "side property line or back property line". But in Chapter 5 under setback requirements, setbacks are required from the "property line between contiguous lots". Since a Lot is defined as a platted property of 5 acres or more, this implies it's referring to contiguous lots within the Town boundaries.

What we need to do tonight is decide what the ordinance means and then send the recommendation to the Council. If we want to clarify the language in the ordinance later we can propose an amendment.

Jeff brought up the case of when two lots are divided by a roadway, does that count as contiguous? Also that part of the language about setbacks applies to wells and septic tanks, to ensure that those things are far enough apart. Colleen explained that this particular question, and the sections of the ordinance involved, only apply to solar and other alternative energy systems, above ground water cisterns, metal shipping containers, portable sheds, and all other buildings. Wells and septic tanks are dealt with separately. Also, setbacks from road easements are 50 feet and other property lines 30 feet.

Jeff also mentioned the recent case at the top of Pope Lane where there was a setback question. He said that wasn't an adjacent lot, it was BLM. Jazmine said BLM call their land a lot, being platted. Colleen said in that case it was still not a Town boundary, which is the case in question. Jazmine and Ryan said we should focus on the definition of a lot; we have no definition for boundary. If we have a definition in our ordinance, that supersedes anyone else's definition. Jazmine said we only define Lot; a parcel is something different and our ordinance does not say "between contiguous lots and parcels".

Colleen said that since we define Lot as "a legally platted parcel of land of 5 acres or more including easements", it seems that whoever wrote this was referring to lots within Castle Valley Town boundaries; maybe we should clarify that language at some point. She doesn't want to bring up this specific landowner's situation because there are some special circumstances which we probably should not go into here. The question of the moment is just about setbacks, which in the definitions talks about what's generally referred to as the side and back property lines, but the Chapter 5 description of setback requirements talks about property lines between contiguous lots, and she saw this as a conflict. State law says ambiguity in ordinances must be found in favor of the landowner.

At this point there was crosstalk about lot versus parcel by several people, and whether the Chapter 5 language is assuming Town lots or not. Jeff pointed out that the land on the other side of the boundary in question is zoned RG (Range and Grazing) which is 15 acres or larger. Colleen explained that the parcel in question is much smaller because it's an abandoned irrigation easement.

Jeff brought up Grand County's meets & bounds on a piece of property, which gives you rights as a lot, but that's not necessarily the case inside Castle Valley.

Faylene was curious about the history of the Chapter 5 language, and whether the "side and back property lines" wasn't just inadvertently dropped when the Chapter 5 item was rewritten to include solar energy systems and some of those other things. As the BPA she always interpreted this as the setbacks being 50 feet along the road from the easement line, and 30 feet along side sides and back. And she thinks if you just follow the Definition and included [in chapter 5?] the front and back property lines, that would cover every situation, and it doesn't matter whether it's at the Town boundary or adjoining another lot;

you have to be 30 feet from the property line whether there is BLM or irrigation ditch on the other side.

Colleen concurred that this is what she thinks happened—that the Definition was inherited from earlier ordinance versions, whereas the Chapter 5 "contiguous lot" language, which appears in multiple places in the Ordinance, showed up in 2008 or later. Faylene reiterated it might be helpful to look at previous versions of the Ordinance to see what the intent had been. Colleen said probably the Chapter 5 language is an oversight where they didn't consider the Town boundary. She agreed the Town boundary counts as a property line with regard to setbacks, and emphasized that the current request is not a language amendment but an interpretation. Amending the language can follow later as that is a lengthier process.

Ryan asked for Julie or Marie to weigh in with any ideas. Julie and Marie agreed with Faylene that the side and back property line makes the most logical sense. Faylene repeated that this is how it's historically been interpreted; and if we look at previous copies of the Ordinance probably the Chapter 5 language was an oversight in terms of Town boundaries. Jocelyn added that she knows we're working on language but she thinks this ambiguity of the ordinance means that it weighs in favor of the landowner in this particular situation. Julie asked what's the ambiguity again, because she's having trouble hearing some of the conversation over the remote connection. Specifically, is there something ambiguous about "contiguous", perhaps meaning that it has to be a separate landowner on the other lot? Jazmine answered that it's the definition of a lot being "legally platted 5 acres or more". Julie asked if the ambiguity would be anyone that's got a property line abutting something other than what is a platted lot? Answer: yes.

Faylene asked if the person is saying that they own the adjacent lot then they can put whatever they want next to it? Jeff said no, you shouldn't be able to "sell a problem". In other words, one of those properties could be sold to someone else in the future. Faylene pointed out that you couldn't if you merged the lots and then if you did something like that you could never split them. Colleen said she had extensive discussions with this landowner; not to get too far into the weeds, we bounced around a lot of ideas including merging (in which case the Town would have to annex the adjoining property), but there are deed complications that would preclude that anyway. Colleen also visited the County Recorder and the County Planning Office for ideas. In the process of working with this problem she asked the Council to clarify if this setback rule applies to the Town boundary, because it seems from the Definition that it does. Jazmine interjected that we were out of sync in the order that we took that request for interpretation, but the Council did agree that it should apply to all the property lines. That doesn't mean that this [ambiguity] wouldn't weigh in the owner's favor in the circumstances.

Julie said maybe it's a legalese question, but is "lot" a defined term throughout the ordinance that's capitalized elsewhere, because it's not capitalized here to indicate it's a defined term. Colleen replied that the capitalization of defined terms got added a year or two ago. Somebody went through and tried to capitalize everything that had a definition. "Lot" is a defined term. The fact that this instance of "lot" may have been overlooked getting capitalized should not be legally binding.

Ryan asked for a motion on a recommendation to the Town Council. Colleen: "I move that we recommend to the Town Council that setbacks with regard to buildings should apply to road easements and all other property lines of a lot." Second by Jeff. There was discussion; Julie suggested the motion should include not just buildings but everything in section B. Colleen revised the motion to: "I move that the setbacks listed in 8-3 Chapter 5.2.B, for all of those listed structures the setbacks should be 30 feet from all the other property lines of a lot". Jeff's second still stands. There was more discussion concerning road easements. Colleen pointed out that item 5.2.A addresses the road easements; and that this is just a recommendation of interpretation to the Town council, and specific language for an amendment can be proposed later. Perhaps at that time the question of "sides and back" with regard to non-rectangular and odd-shaped lots could be addressed. The motion passed unanimously on a roll call vote. The PLUC needs to send this in writing to the Town Council for their meeting next week.

6. Discussion & Possible Action re: proposed amendments to Dark Sky Lighting Ordinance 2021-5

Ryan asked for any further discussion or questions for Faylene, Jocelyn, or Colleen (all members

of the Dark Sky Committee) regarding this Dark Sky Lighting Ordinance. Julie had a question about the new Commercial Building section. She noticed there was a deletion of permitted lighting in V.I.1 for garages and barns, and wonders if garages should be reinstated because of the fire house and other garages on the Town lot. Jeff pointed out that lights at all entrances to building are required by state law, so just the general inclusion of "buildings" would be sufficient. "Barns" was removed because there are unlikely to be barns on the Town lot. There was general agreement on this point.

Ryan brought up Section IV Residential Standards and Conditions, item D, that's orphan language which is no longer needed or is redundant, so we need to delete item D and then renumber the subsequent items.

Asking for any further areas of concern or items that we need to revisit, Ryan was reminded by Jeff about raising the allowed height of a residential pole-mounted light to 10 feet; Ryan agrees that this is the proper time to discuss it. Marie said she thought that Mary Wakeley had made a good point that 6 feet is not practical. Colleen commented that if you're going to put a light on a pole you're just illuminating the ground so you can park or walk to your car in the dark, but if you want to put a light somewhere else, according to a strict reading of this you can have taller poles as long as they're not in your parking area; and so maybe we should just not even limit the height of parking lights. As long as the light complies with the rest of the standards in terms of shielding and visibility from downhill, maybe there shouldn't be a height limit. Or change the height—that's the other option. Marie commented that without a limit some idiot will put a light on a 20 foot pole. Colleen pointed out that the taller it is, the harder it will be to shield it. General consensus agreement.

Faylene mentioned that the parking lot lights at the Town building actually have an aftermarket metal piece around them which helps to shield that light from the side, but because it's 15 high we still get complaints. There are regulations addressing second-story lights needing additional shielding. She understands that example of parking lot lights with horse trailers or trucks—you want to make sure there's adequate clearance without getting too high. I don't know whether 10 feet or 8 feet, but maybe a light pole at the end of your road, maybe that should still be lower at 6 feet. Colleen: we don't allow those, do we?

Ryan asked about the purpose of this illumination? Faylene answered that we realized we didn't even mention (pole-mounted lighting?) in the original ordinance. The IDA (International Dark Sky Association) model ordinance allows light at entrances but no architectural lighting. We didn't consider that there would be a reason for pole mounted lights. Colleen said she could imagine lights for a chicken yard or a corral to work with your animals; we do already have some agricultural exemptions in our ordinance. The point of the parking light is so you can walk to your car without tripping, or walking around your car without tripping. Faylene added it was assumed that in other areas you would just have pathway lights.

Jeff said we're getting way into the weeds. We can just change one number from 6 to 10 feet. Marie commented that a tall person could bump their head on a 6 foot light. Jeff said it's not unreasonable to ask for taller parking lot lights, as long as the light still complies with the shielding and other requirements. Jocelyn added that there's lots of language elsewhere that says that lighting has to be in compliance, so if they want to put a pole light up, they're just going to have to do extra shielding. Ryan asked what number—he's heard 8 and he's heard 10. Some comments that their camper or horse trailer won't fit under either, and some RVs are very tall.

Jeff moves that we adopt proposed changes, additionally changing the height from 6' to 10' on residential parking lights, and delete item IV.D, renumbering subsequent items. Seconded by Colleen. Roll call vote was: Julie aye, Marie nay (because of the 10 foot height, she prefers 8 feet), Jeff yes, Colleen yes. Ryan explained that he doesn't have to vote. The motion passes. Faylene asked for clarification that we just passed all the proposed amendments as well as the two additional corrections. Answer was yes.

7. Discussion & Possible Action re: Update to language in Ordinance 85-3 Definition of "Combined Square Footage"

Colleen said since it was already discussed in the public hearing part of the meeting earlier, hopefully we don't have to do that again. She's perfectly happy implementing Faylene's suggestion to include storage as one of the example uses. This makes the proposed addition to the definition of "combined square footage" as follows: "The area of any portion of the building which is not enclosed, but which is directly below an enclosed upper floor, for uses including but not limited to carport, patio, or storage, shall also be included in the Combined Square Footage, measured between the supports and the main wall, provided: the average grade of such area is 6% or less; only those parts of such area with a ceiling height of seven feet or more shall be counted (the lowest point of any joists or other horizontal supports shall determine the ceiling height); and the narrowest horizontal dimension (width) of such area is 8 feet or more, and a total square footage of 200sq. ft. or more."

Ryan asked if there is anyone who has anything further to add or say about this updated language as proposed by Colleen, amended by Faylene. Julie moved "that we approve the amended language to the Combined Square Footage definition in Ordinance 85-3 as shown on the screen and as amended by Colleen." Jeff seconded. Roll call vote: Julie aye, Marie aye, Colleen yes, Jeff yes, Ryan aye. Ryan said the motion passes, the language has been amended, and will be sent to the Town Council. Thanks to Colleen, Jeff, and Jazmine for working on that language—well done.

UNFINISHED BUSINESS

8. Potential Informational Updates on FEMA Flood Insurance

Ryan noted that we will be getting some informational updates from FEMA but it will be with an organized meeting in September, including FEMA representatives, which we will advertise when there are more people around and we can generate some interest in attending.

CLOSED MEETING

Not needed.

ADJOURNMENT

Ryan asked for a final motion to adjourn. Jeff Whitney so moves, seconded by Colleen. Vote to adjourn was unanimous. Meeting was adjourned at 8:03 PM.

—submitted by Colleen Thompson



1407 W. North Temple
Salt Lake City, UT 84116

July 10, 2023

*****AUTO***5-DIGIT 84532 1329 T7 P2

Town Of Castle Valley
HC 64 Box 2705
Castle Valley, UT 84532-9608

|...|...|...|...|...|...|...|...|...|...|...|...|...|...|...|...|...|...|...|...|...|...|...|...|...|...|...|...|...|

Dear Town Of Castle Valley,

Due to elevated wildfire risk in your area, we are taking additional safety precautions. Among other measures, we may use protective devices on our lines with more sensitive settings that will de-energize power equipment when there is a short circuit detected.

A power outage is more likely to occur when these settings are utilized. For the 2023 wildfire season, based on elevated conditions in the region, we are using more sensitive protective settings in your area. As a result, if an outage occurs during the 2023 wildfire season, you may experience a longer-than-typical outage as our field personnel work to confirm that power can be safely turned back on. These measures are intended to promote public safety, and we appreciate your patience.

Our system is built to withstand extreme weather and other unforeseen issues; however outages can happen. It is important to:

- Plan ahead and be prepared year-round.
- Create a plan with your medical provider for appropriate backup power if you have medical devices that rely on electricity in your house.
- Set up an online account with your contact information, so we can reach you if necessary.
- If an outage does occur, find restoration information on our online outage map.

We appreciate your patience and understanding. Providing safe, reliable service is our highest priority at Rocky Mountain Power. If you have any questions, please call us anytime at 1-888-221-7070 or visit our website at RockyMountainPower.net/Ready for emergency preparedness and wildfire safety information.

Sincerely,

Curtis Mansfield
Senior Vice President, Power Delivery

July 11, 2023

Castle Valley Mayor and Council Members,

Re: CV Lot and Building Rental Fee Agreement/Recycling at Public Events on TCV Property

I wish to share some thoughts on a Castle Valley lot and building rental fee agreement.

We generated at each of the last two CV events I participated in this summer at least one full garbage can of waste. If the event is not sponsored by Castle Valley or Castle Valley Fire, who pays for the disposal of this garbage?

In addition to the garbage generated at public events, I share this story from the recent July 4th brunch where we were consciously collecting plastic juice and ice tea containers for recycling. By diverting plastic and other recyclables at this one event, we were able to maximize space for garbage so that the entire events' garbage fit in one (1) garbage can. This would not have been possible without recycling.

Additionally, Castle Valley has developed a simple alternative to single-use plastic cutlery at our events; we have a set of stainless steel cutlery that seems to have worked at past Gourd Festivals and other Castle Valley Fire Department events. However, recently they are unused and seemingly, we have diverted back to single use plastic. We need help to prioritize the simple act of utilizing these metal knives, forks and spoons.

In the past, government has adopted rules and cultivated behaviors to benefit the "greater good" through policy.

I support not only a fee agreement to cover public event costs on TCV property, but one in which recycling and sustainability plays an integral part. I encourage a policy prioritizing recycling at all public events on all town property and research ways in which the town can support and incentivize recycling in a future lot and building rental agreement.

A separate bank account for rental agreement proceeds would be appropriate; funds solely designated not just to pay the event bills but also for improvements to the landscape/buildings/picnic shelter. A drought-tolerant lawn could be an appropriate project funded by these fees.

Thanks for listening. I am interested to hear from you and look forward to discussing these issues and come up with a comprehensive lot and building rental agreement.

Cheers!

Diane Ackerman

259-2719

Resolution 2023-6 Adopting the Certified Tax Rate

Utah State Tax Commission - Property Tax Division Resolution Adopting Final Tax Rates and Budgets	Form PT-800 Rev. 02/15
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County: GRAND**Tax Year: 2023**

It is hereby resolved that the governing body of:

CASTLE VALLEY TOWNapproves the following property tax rate(s) and revenue(s) for the year: **2023**

1. Fund/Budget Type	2. Revenue	3. Tax Rate
10 General Operations	133,790	0.001577
\$133,790		0.001577

This resolution is adopted after proper notice and hearing in accordance with UCA 59-2-919 and shall be forwarded to the County Auditor and the Tax Commission in accordance with UCA 59-2-913 and 29-2-920.

Signature of Governing ChairSignature: _____ Date: 7.19.2023Title: Mayor- Town of Castle Valley

Those voting Aye:

Those voting Nay:

Absent :

Attested :

Jocelyn Buck

7.19.2023

Resolution 2023-7

A RESOLUTION ADOPTING THE AMENDED FISCAL YEAR 2024 BUDGET

BE IT RESOLVED by the Town Council, Town of Castle Valley that the attached budget for fiscal year 2024 (Attachment A) is the true and correct budget approved by the Town Council.

Passed, Adopted, and Approved by the Town Council, Town of Castle Valley in open session on the **19th day of July, 2023** by the following vote:

Those voting AYE:

Those voting NAY:

Absent:

APPROVED:

Jazmine Duncan, Mayor

ATTTESTED:

Jocelyn Buck, Town Clerk

DRAFT

TOWN OF CASTLE VALLEY
DARK SKY LIGHTING ORDINANCE 2021-5
AN ORDINANCE ESTABLISHING LIMITS ON OUTDOOR LIGHTING
IN THE TOWN OF CASTLE VALLEY

**This Ordinance 2021-5 Amended 7.19.2023 supersedes any earlier Lighting Ordinance
including Ordinance 2021-5 December 15, 2021 and Ordinance 1991-1**

PREAMBLE:

WHEREAS, the governing body of the Town of Castle Valley is authorized by Utah Code Section 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 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 Section 10-8-60, (1953) 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 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 intended to be and are declared to be severable. If any part, section, paragraph, sentence, clause or phrase is found unconstitutional or invalid, the remainder of this land use Ordinance shall not be affected.

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 warmness 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.

FOOTCANDLE: One lumen per square foot.

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 of this Ordinance 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. 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:

- Upon replacement of outdoor light fixtures or bulbs.
- Upon abandonment of the residence or building for one year.
- Upon repair to correct damage that would cost more than 50% of new light fixture.

- Upon replacement of more than 50% of the nonconforming lights.
- Upon determination of a nuisance violation per the Town Complaint Resolution Process (See Ordinance 2021-2).
- 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 (~~Castle Valley Inn~~) or any future commercial entity approved by the Town shall comply with Section IV.A-J 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 V.A-I, Section VII, and Section X.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 V.A-I, Section VII, and Section X.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: RESIDENTIAL 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.~~

D. 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.

E. 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 twenty seven hundred kelvin 2700K).

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')~~ ten feet (10').
 - 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)~~ five (5) 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 ~~five (5)~~ 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 in this Ordinance.

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. TOWN AND PUBLIC BUILDINGS STANDARDS AND CONDITIONS

See Definitions: Public Buildings: 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.

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 to mitigate direct illumination and light trespass from second story lighting 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 have a manual shut off switch and 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 excluding parking lot lighting and emergency lighting shall not exceed 5000 lumens per lot. ~~Lots joined for tax purposes shall be counted as one lot.~~

F. Maximum lumens (excluding parking lot lighting and emergency lighting) 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. Parking lot lights shall not exceed two (2) foot-candles per acre as recommended by the Illuminating Engineering Society of North America (IES).

H. Maximum Color Temperature of All Lighting Fixtures: The correlated color temperature (CCT) of any outdoor lighting fixture shall not exceed twenty seven hundred kelvin (2700 K).

I. 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 fifteen~~six~~ feet (15~~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.
4. 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) five (5) 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 five (5) 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.
- 5. Insect control devices that use visible light shall also comply with the outdoor lighting restrictions in this Ordinance.

~~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 VI. SPECIALIZED OUTDOOR LIGHTING:

- A. 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.
- B. 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.

~~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. (Rec omitting) Delete this whole item. It will apply to public and residential, right?)~~

SECTION VII. 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 VIII. PROHIBITED LIGHTING:

- A. Architectural, landscape, and water feature lighting.
- B. Any lighting of athletic fields and athletic courts.
- C. Flashing, blinking, intermittent or other lights that move or give the impression of movement, not including holiday lighting between November 15 and January 15.
- D. Searchlights, laser source lights or any similar high intensity light.
- E. Light trespass from interior lighting that negatively impacts adjacent properties or the overhead skyglow of the night sky is prohibited.
- F. Lighted or Illuminated signs. (See 85-3:4.8.3(10).)
- G. Underwater lighting in swimming pools that do not have full turn-off features.
- H. 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.)~~*IDA doesn't like this provision plus we've already exempted emergency lighting in VI.* Deleted at request of IDA.
- I. All monopole, antenna, tower or support facility lighting not required by the FAA or the FCC.
- J. Lighting that violates the vision and purpose of this Ordinance.

SECTION IX: 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 X: 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.

EFFECTIVE DATE

This Ordinance shall take effect on ~~December 15th 2021~~, July 19, 2023 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 19th July 15th of December, 2021.

Those voting AYE: Mayor Duncan, Council Members: Pamela Gibson, Tory Hill, Harry Holland and Robert O' Brien.

Those voting NAY: None

ABSENT: None

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 LIGHTING ORDINANCE 2021-5
AN ORDINANCE ESTABLISHING LIMITS ON OUTDOOR LIGHTING
IN THE TOWN OF CASTLE VALLEY

**This Ordinance 2021-5 Amended 7.19.2023 supersedes any earlier Lighting Ordinances
including Ordinance 2021-5 adopted December 15, 2021 and Ordinance 1991-1**

PREAMBLE:

WHEREAS, the governing body of the Town of Castle Valley is authorized by Utah Code Section 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 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 Section 10-8-60, (1953) 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 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 intended to be and are declared to be severable. If any part, section, paragraph, sentence, clause or phrase is found unconstitutional or invalid, the remainder of this land use Ordinance shall not be affected.

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 warmness 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.

FOOTCANDLE: One lumen per square foot.

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 of this Ordinance 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. 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:

- Upon replacement of outdoor light fixtures or bulbs.
- Upon abandonment of the residence or building for one year.
- Upon repair to correct damage that would cost more than 50% of new light fixture.
- Upon replacement of more than 50% of the nonconforming lights.

- Upon determination of a nuisance violation per the Town Complaint Resolution Process (See Ordinance 2021-2).
- 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 Section IV.A-J 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 V.A-I, Section VII, and Section X.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 V.A-I, Section VII, and Section X.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: RESIDENTIAL 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. 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.

E. 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 twenty seven hundred kelvin 2700K.

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 ten feet (10').
 - 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) five (5) 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 five (5) 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 in this Ordinance.

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. TOWN AND PUBLIC BUILDINGS STANDARDS AND CONDITIONS.

Public Buildings are 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.

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. 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 have a manual shut off switch and 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 excluding parking lot lighting and emergency lighting shall not exceed 5000 lumens per lot.

F. Maximum lumens (excluding parking lot lighting and emergency lighting) 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. Parking lot lights shall not exceed two (2) foot-candles per acre as recommended by the Illuminating Engineering Society of North America (IES).

H. Maximum Color Temperature of All Lighting Fixtures: The correlated color temperature (CCT) of any outdoor lighting fixture shall not exceed twenty seven hundred kelvin (2700 K).

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

1. To illuminate the entrances to buildings.
2. To illuminate pathways and walkways.
3. To illuminate parking areas.
 - a. The overall height of any light post plus fixture used for illumination in parking areas shall not exceed fifteen feet (15').
 - 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. For motion sensor lighting, provided all the following conditions shall be met:
 - a. The lighting is activated by motion sensors and shuts off within five (5) 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.
 - 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.
5. Insect control devices that use visible light shall also comply with the outdoor lighting restrictions in this Ordinance.

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

SECTION VI. SPECIALIZED OUTDOOR LIGHTING:

- A. 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.
- B. 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 VII. 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 VIII. PROHIBITED LIGHTING:

- A. Architectural, landscape, and water feature lighting.
- B. Any lighting of athletic fields and athletic courts.
- C. Flashing, blinking, intermittent or other lights that move or give the impression of movement, not including holiday lighting between November 15 and January 15.
- D. Searchlights, laser source lights or any similar high intensity light.
- E. Light trespass from interior lighting that negatively impacts adjacent properties or the overhead skyglow of the night sky is prohibited.
- F. Lighted or Illuminated signs. (See 85-3:4.8.3(10).)
- G. Underwater lighting in swimming pools that do not have full turn-off features.
- H. Lighting within public right-of-way or easement for the principal purpose of illuminating streets, roads, or intersections.
- I. All monopole, antenna, tower or support facility lighting not required by the FAA or the FCC.
- J. Lighting that violates the vision and purpose of this Ordinance.

SECTION IX: 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.
- 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 X: 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.

EFFECTIVE DATE

This Ordinance shall take effect on July 19, 2023 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 19th day of July 2023.

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:

Item 10
85-3 Definition Amendment

In red, the proposed amendment to Combined Square Footage in Ordinance 85-3 1.6 Definitions (and therefore in related documents like the BPIS).

COMBINED SQUARE FOOTAGE: In determining the Combined Square Footage of a building, the floor area of each story of a building shall be included, except that a basement shall not be included in the Combined Square Footage if the ceiling area of 50% or more of the entire basement is less than three feet above finished grade. If the ceiling area of more than 50% of the entire basement is three feet or more above finished grade, the entire basement area shall be included in calculating the Combined Square Footage. The area of any portion of a building which is directly below a roof shall also be included in calculating the maximum Combined Square Footage, except that the exterior area of a building which is directly below a roof shall only be counted once in calculating the Combined Square Footage for buildings of more than one story.

The area of any portion of the building which is not enclosed, but which is directly below an enclosed upper floor, for uses including but not limited to carport, patio, or storage shall also be included in the Combined Square Footage, measured between the supports and the main wall, provided: the average grade of such area is 6% or less; only those parts of such area with a ceiling height of seven feet or more shall be counted (the lowest point of any joists or other horizontal supports shall determine the ceiling height); and the narrowest horizontal dimension (width) of such area is 8 feet or more, and a total square footage of 200sq. ft. or more.

Decks and balconies that are not covered by a roof shall not be counted in calculating the Combined Square Footage. The drawings which are identified as Illustrations A1, A2, and B in Section 1.7 of this land use ordinance are included in the definition of Combined Square Footage.

To: Castle Valley Town Council
From: Castle Valley Planning and Land Use Commission
July 12, 2023

The Town Council is the Land Use Authority for interpretation of Town ordinances. Ordinance 85-3 requires a written recommendation from the PLUC, after which the Town Council determines its interpretation of the ordinance.

The Castle Valley Building Permit Agent has asked for clarification of the meaning of Ordinance 85-3 with regard to whether setbacks are required from the Town boundary. This question arises from a perceived conflict between (1) the definitions of Setback and Lot, and (2) the setback requirements as listed in Chapter 5.2 of the ordinance.

After discussion, as described in the PLUC draft minutes included in this meeting's packet, the PLUC sends the following recommendation:

"The setbacks listed in 85-3 Chapter 5.2.B, for all of those listed structures the setbacks should be 30 feet from all the other property lines of a lot."

The Town Council may further request the PLUC to propose amended language to clarify the ordinance on this point.

— submitted by Colleen Thompson

Town of Castle Valley

7/18/2023 1:00 PM

Register: 1300 · General Accounts Unrestricted:Zions Operating

From 06/23/2023 through 07/18/2023

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
06/26/2023	9763	Utah Geological Sur...	2000 · Accounts Payable		593.30			3,862.58
06/26/2023			1300 · General Accoun...	Funds Transfer...		X	10,000.00	13,862.58
06/30/2023			-split-	Deposit			1,105.48	14,968.06
06/30/2023			5100 · Administration:...	Service Charge	3.00	X		14,965.06
06/30/2023	eft	Zions Bank Liabilities	-split-	87-0483404	1,738.48			13,226.58
06/30/2023	9764	Colleen R Thompson	-split-		387.63			12,838.95
06/30/2023	9765	Dorje Honer	-split-		2,350.11			10,488.84
06/30/2023	9766	Janet M Gregory	-split-		194.51			10,294.33
06/30/2023	9767	Jasmine A Duncan	-split-		907.50			9,386.83
06/30/2023	9768	Jessica L Chamberlin...	-split-		36.85			9,349.98
06/30/2023	9769	Jocelyn F. Buck	-split-		1,937.25			7,412.73
06/30/2023	9770	Mike Souza *	-split-		969.68			6,443.05
06/30/2023	9771	Warren M Egbert	-split-		202.13			6,240.92
06/30/2023	9773	Weber State University	2000 · Accounts Payable	Castle Valley S...	3,000.00	Scholarship		3,240.92
06/30/2023	9774	Zions Bank	2000 · Accounts Payable	QB renewal /Vault	720.39	Toilet Sups		2,520.53
07/05/2023	9772	Petty Cash	1300 · General Accoun...	Funds Transfer	100.00			2,420.53
07/13/2023	9761	Void	5100 · Administration:...	VOID:		X		2,420.53
07/13/2023			1300 · General Accoun...	Funds Transfer			15,000.00	17,420.53
07/18/2023	9775	Chris Steinman	2000 · Accounts Payable	Compressor	300.00			17,120.53
07/18/2023	9776	Computer Wise	2000 · Accounts Payable	PLC computer	180.00			16,940.53
07/18/2023	9777	Emery Telcom	2000 · Accounts Payable		171.79			16,768.74
07/18/2023	9778	Napa Auto Parts	2000 · Accounts Payable	Hydraulic fluid	121.36			16,647.38
07/18/2023	9779	Times Independent	2000 · Accounts Payable	Public Notices	198.00			16,449.38
07/18/2023	9780	Utah Local Governm...	2000 · Accounts Payable	Insurance / bonds	6,978.31			9,471.07
07/18/2023	9781	Walker's True Hardw...	2000 · Accounts Payable	Bldg Sups	32.25			9,438.82