

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

Date: Wednesday, June 7, 2023

Time: 6:30 PM

Place: CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE

Hybrid Meeting Due to COVID-19:

**Due to concerns regarding the potential spread of COVID-19, this meeting will be a hybrid meeting held electronically by Zoom and also in person at the anchor site the Town Building with limited seating. If you have comments or concerns for the PLUC, please attend, email them prior to the meeting to jessicam@castlevalleyutah.com, or call 435-259-9828 M-W 9AM-1PM. Thank you!

PLEASE NOTE HOW TO JOIN BY ZOOM:

Meeting ID: 660 541 0108 Passcode: 84532

Option 1 Dial-in phone number (US): (253) 215-8782 follow prompts.

Option 2 Join the online meeting (must have computer speakers and microphone):

<https://zoom.us/j/6605410108?pwd=Q05sYm5qQ0lpNIY5TVp2bTU5VnZjQT09>

Call to order Regular Meeting, Determination, and Roll Call

1. Adoption of Agenda
2. Open Public Comment
3. Approval of Minutes Regular Meeting 5.3.2023
4. Reports
 - Correspondence: TBA
 - Town Council Meeting(s) - Thompson
 - Building Permit Agent Report - Thompson
 - Administrative & Procedural Matters:
 - Discuss Updates to Future Town Survey

New Business

5. None

Unfinished Business

1. Discussion & Possible Action re: Update to Language in "Definitions: Combined Square Footage."
2. Potential Informational Updates on FEMA Flood Insurance
3. Potential Update on Dark Sky Application

Closed Meeting

8. If Needed

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 Meeting Packet to download.

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

Date: Wednesday, May 3, 2023

Time: 6:30 PM

Place: CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE

Hybrid Meeting Due to COVID-19:

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Call to order Regular Meeting, Determination, and Roll Call

Chairman Ryan Anderson called to order the Regular Meeting at 6:35 PM and issues the Hybrid Meeting Determination.

Commission Members Present: Ryan Anderson, Colleen Thompson, Jeff Whitney, Julie Baird, and Marie Hawkins

Clerk: Jessica Maw

Others Present: Jazmine Duncan, Adrian Washington, Linda Pollack-Washington

1. Adoption of Agenda – Whitney moves to adopt the agenda, Baird seconds. Colleen moves to change item 6 to read “Update to language in Definitions: Combined Square Footage...” Motion passes unanimously with change.

2. Open Public Comment - none

3. Approval of Minutes Regular Meeting 2.1.2023 & 3.8.2023 – Whitney moves to approve February 2023 minutes. Baird seconds. Colleen abstains. Motion passes unanimously.

Baird moves to approves March 2023 minutes, Baird seconds. Colleen suggests change to BPA report regarding Lot 55. The TDP was *renewed*, not *reviewed*. Motion passes unanimously with changes

4. Reports -

- Correspondence: None
- Town Council Meeting(s) – Thompson gives updates, included in meeting packet. Regarding public comment given at April regular town meeting, Jazmine suggested PLUC look at the issue of not having anything in the town’s ordinance giving oversight to clearing of vegetation on neighboring properties. Ryan states PLUC will be looking at it soon. Jeff states the county has guidelines in place already, but points out the town doesn’t have a lot of means to help

with “disputes? What’s the word I’m looking for” while the county has law enforcement. Right now, Castle Valley’s ordinance only dictates on a building project that drainage to other lots can’t be affected. Marie states the way it’s written now is a bit ambiguous and the language could be tightened up. Ryan asks PLUC to review the current ordinance and bring any ideas/suggestions to the next meeting.

- Building Permit Agent Report – Thompson gives updates to March and April, included in meeting packet.
- Administrative & Procedural Matters:
 - Potential Update to Future Town Survey – Ryan asks for comments from PLUC after reviewing 2007, 2014, and 2019 surveys. Marie said it seemed like 2007 was more sophisticated, 2019 was more open ended, 2014 was more multiple choice. She says if we leave it more open ended, people may forget something important to them. Ryan asks if the first section should be “educational” and open ended towards the end.

Jeff asks if “educational” meant directed, because he felt the last survey was directing people towards the answer. Ryan says we should strive to create something that people felt like they had space to leave comments on the questions being asked, elaborating their thoughts. Jazmine elaborates on “education” vs “directed,” it could be easy to become biased and still come off as directing. It may be helpful for an unbiased party to write or review the questions. Ryan states the open ended comments were time consuming for him and Colleen to combine and quantify on the last survey.

Julie likes Marie’s comment and likes multiple choices with the option to comment. Asking one question a different way could give it different context, which is where multiple choice could be helpful. Marie was pleasantly surprised how many questions became moot over the years, because it showed there’s been progress. There will always be perennial questions such as dark skies, water, septic, etc. We should ask questions about how many people are taking advantage of ordinances that have been recently put into place, such as IADUs. Ryan says as PLUC looks these over, we should look at what we keep, what we throw out, what PLUC bring back from past years, and how to organize it. PLUC should look at topics each person may be strongest in formulating questions but come back at the end so the voice of the survey is cohesive.

Ryan would like the bulk of the work to be done outside of PLUC meetings, so the survey isn’t being formalized during PLUC meetings, but are being fine-tuned and finished at commission meetings. Marie suggests working with the Town Council on the survey. Jazmine suggests if you are passionate about a certain topic, you should not be the one writing the question but providing your expertise. Colleen says last time the group was broken out into groups of two to rough draft the questions, then came back to the group to refine. FEMA flood insurance should be included in the survey. Jazmine suggests including a link to additional information on the flood insurance along with the question on the survey as not all pertinent info could possibly be included on the survey. Marie says not everybody uses a computer, so an extra sheet in the survey could be helpful. Ryan and Jazmine suggest leaving the brochure and information in the town building, and still include a link in the survey.

New Business

5. Discussion & Possible Action re: Update to Fee Schedule – Colleen saw we forgot to update the language on item 13, we should remove “livestock in excess of permitted use” as it no longer pertains

to the rest of our ordinance. She points out that by state law, any fees the town charges cannot be in excess of administrative costs and other town expenses. Jazmine says procedurally, PLUC would recommend it to the Town Council for approval. Thompson moves to amend the fee schedule item 13 to remove “livestock in excess of permitted use” in order to be consistent with our amended ordinance, and recommend that change to the Town Council. Whitney seconds. Motion passes unanimously.

6. Discussion & Possible Action re: Update to Language in Chapter 1.2 of Ordinance 85-3

Jeff explains: It’s not a cantilever, it’s post and beam structure. Building code doesn’t measure under overhang unless there’s less 52” height under the overhang. That square footage is counted, but it’s counted at a different rate. Building permit fee is rated differently than enclosed residence. It’s called “Open Porch” or “Carport.”

Colleen says this is different from our zoning and how we calculate square footage. The purpose of that measurement in the building code is different than the combined square footage definition in the town’s ordinance, introduced in 2008 in order to protect view sheds. As BPA, she was unsure how to count that space. According to our current language, it wouldn’t be counted. Jeff says we should be measuring eaves, so this space should also be counted. Colleen is requesting for the language in the ordinance to be clarified. Precedent didn’t count that space, but the language seems to indicate it should.

Marie states Colleen was told by Mary Beth it was an oversight in the past that it was not counted.

Jeff suggests Colleen come back with some suggested language for us to discuss. She asks if Jeff would be willing to give input. Jazmine offers to help Colleen with the language as well.

Jeff motions to table this issue, Baird seconds. Motion passes unanimously

Unfinished Business

7. Potential Informational Updates on FEMA Flood Insurance – Jeff states county flood administrator has people call because they’re not able to get flood insurance. Jeff suggests to have town residents call the town so the town could gauge public interest. Jessica mentions there may be some confusion about the payout from FEMA, that when talking about the average payout, it didn’t seem like there was a cap. Maybe it was just an average based on damage done. Jazmine suggests the town has a public meeting with the NFIP folks joining us so the public can ask questions they may have. Ryan will arrange it and it will be on June’s agenda.

8. Potential Update on Dark Sky Application – Don Montoya’s talk and public outreach at the trash cleanup are two events that could be added to the Dark Sky application.

Closed Meeting

8. None

Adjournment – Whitney moves to adjourn. Meeting is adjourned at 7:41.

For Meeting Packets go to: <https://www.utah.gov/pmn/index.html>
Government: select “Cities,” Entity: select “Castle Valley,”

4/12/2023

Should we discuss cantilevers/pilotis?

I haven't been able to discover the exact architectural term for what I want to talk about, which is a combination of cantilever and piloti (pier or support). Think of a house with an open parking or outdoor living area underneath all or part of it. For now, I'll refer to it as a cantilever, as did an architect I was working with recently, although technically a cantilever does not have supports under it. Maybe Jeff knows. See attached photo for an example.

Castle Valley zoning ordinances make no mention of this type of space, and a careful reading of definitions leaves them in a gray area. I had a conversation with Mary Beth about this, and she said it was an oversight. True, it does not come up often.

Chapter 1.2 of the land-use ordinance 85-3 provides the rationale for imposing zoning regulations:

In establishing these zones, the boundaries thereof, and other regulations and restrictions applying within the zone, due and careful consideration has been given, among other things, to suitability of the land for particular uses, and to the character of the zone, with a view to conserving the value of buildings and encouraging the most appropriate use of the land. It is also the intent of this land use ordinance to limit the impact of new buildings and unattached structures on the viewsheds, privacy, and open space that are unique to Castle Valley.

To determine zoning compliance of a proposed building, Castle Valley has defined its own specific Combined Square Footage:

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. Decks and balconies that are not

for buildings of more than one story. Decks and balconies that are not covered by a roof shall not be counted in calculating the Combined Square Footage.

Kind of a mouthful. A brief synopsis of this would be: measure the conventional square footage, using exterior walls, of each floor of a building. Add all eaves, overhangs, and porch roofs. (For simplicity, ignore special basement details.)

Historically, cantilever areas have not been counted in Combined Square Footage. This has been confirmed by past conversations with Mary Beth and Faylene, among others.

This has come up a couple times in my BPA work. Does the PLUC think it's worth opening a conversation about this, order to either exclude or include these areas in our Combined Square Footage definition? As quoted above, Chapter 1.2 of 85–3 cites visual impact on viewsheds and open space. Cantilevered areas do add to the perceived size of a building.

If we leave it in a gray area, when presented with plans that include this sort of living space the BPA may have to judge it a Nonroutine Application, in which case the application would go to the PLUC and then the Town Council, causing significant delays.

—Colleen Thompson, BPA



DETAILS
CASTLE VALLEY GENERAL PLAN SURVEY
MARCH 2007

WATER & SEPTIC QUESTIONS

1. Do you currently drink untreated water from your well?
2. Would you favor the Town spending money to hire a qualified expert to update the Utah Geological Survey's Septic Density Study?
3. Would you favor the Town spending money to educate the public on the workings and maintenance of septic systems?
4. Would you favor a requirement for new septic systems to meet best available technology standards to protect the Castle Valley aquifer?
5. If a suitable site could be located, would you favor the Town installing and maintaining a municipal well and pump (not a Valley-wide water distribution system) for self-service fills for property owners without wells?
6. Would you favor spending the Town's money to commission a new aquifer and water quality study?:

ROADS AND DRAINAGE QUESTIONS

1. Do you favor increased town expenditures for road and drainage work if this could be accomplished without increasing taxes?
2. Would you want the Town to help property owners with maintenance/ repair of flood control ponds on their lots that were part of the original ranch, using Town equipment, if easements could be obtained?
3. Would you favor more road money on maintenance to reduce flood damage in the future?
4. Would you favor the Town spending an estimated \$5,000 per year on plant-based dust reduction for the roads annually?
5. Would you favor the Town continuing to spend money on invasive noxious weed education and removal?

AGRICULTURE AND LIVESTOCK QUESTIONS

1. Do you feel that agriculture, livestock, rural character and/or natural landscaping conditions contribute to the reasons you have property in Castle Valley or enjoy living here?
2. Would you favor restricting the ability of residents to board livestock owned by other people?
3. Would you favor limiting the number of cows, sheep, horses, goats, pigs and chickens can be kept on one 5-acre lot?

OTHER HEALTH & SAFETY QUESTIONS

1. Would you favor educating and encouraging property owners to use non-toxic herbicides and/or pesticides on their property?

QUALITY OF LIFE QUESTIONS

1. Would you favor keeping the Town's current 5-acre minimum lot size?

2. Would you favor keeping the single family dwelling per 5-acre lot maximum density limit?
3. If there were an immediate threat of development up-valley, would you favor the Town holding a bond election to purchase open lands in the valley for conservation purposes?

ECONOMY QUESTIONS

1. Do you plan to have a conditional use permit/ Castle Valley business in the future? Please give us your thoughts on commercial and/or business development in Castle Valley?

No change

Small, unobtrusive shops
Convenience store/coop
Home-based business
Farmers' Market
Other comments

3. Would you favor the Town supporting and encouraging economic diversity, i.e., support people with differing income levels continuing to live in Castle Valley?

ORDINANCE & ENFORCEMENT QUESTIONS

1. Would you favor the Town having fewer ordinances or simplifying its overall set of Ordinances?
2. Would you favor the Town having a nuisance ordinance?
3. Do you support the Town's current Lighting Ordinance?
4. Do you currently have a problem with your neighbor's lighting? Interior? Exterior?
5. Do you support the Town's current Animal Control Ordinance?

COMMUNITY LIFE QUESTIONS

1. Would you favor educating property owners on, and encouraging the use of, renewable energy technologies, e.g. passive solar, active solar, tankless water heaters, fluorescent light bulbs?
2. Would you favor the Town spending money to install and maintain solar and renewable energy technology to operate the town community building?
3. Would you favor the Town spending money to help establish a commuter van/bus service between Castle Valley and Moab?
4. Would you favor the Town creating more opportunities for gatherings such as the farmer's market, barbecues, festivals/events?
5. If any, please list activities you would like the Town to sponsor?

HOUSING QUESTIONS

1. Would you favor a maximum square foot above-grade living space limit for new housing?
2. If so, what maximum size limit would you favor? (Asked only of those who favor a limit)
3. Would you favor limits to square footage for outbuildings such as shops, garages, stables, barns and/or storage buildings?
4. Would you favor a limit on the number of outbuildings per 5-acre lots?

GOVERNMENT QUESTIONS

1. Would you favor spending the Town's money to enforce existing ordinances?
2. What suggestions would you make to encourage improved relationships between the Town government and the community?

LET YOUR VOICE BE HEARD

1. Check which, if any, conditions in the Town you are concerned about/ concerns you

Protection of Aquifer

Water Quality

Open Space, Wildlife Habitat

Water Quantity

Water Rights

Dark Night skies

Housing Types & Sizes

Fire prevention & suppression

Tranquility/Silence

Road Quality & Condition

Sewer/septic regulations

Taxes

Scenic view

Trash & junk disposal

Air Quality

Noise regulation

Sustainable Community Practices

Zoning

Road Improvements

Animal Control

A Valley Trail System

2. Check which, if any, conditions are satisfactory to you right now.

Issue

Air Quality

Noise regulation

Scenic View

Animal Control

Zoning

Tranquility/silence

Dark Night skies

Sewer/septic regulations

Fire prevention & suppression

Water Rights

Taxes

Housing Types & Sizes

Sustainable Community Practices

Open Space, Wildlife habitat
A Valley Trail System
Trash & Junk Disposal
Water Quantity
Road Improvements
Water Quality
Road Quality & Condition
Protection of the Aquifer

3. Check which, if any, conditions need improvement right now.

Issue
Road quality
Road Improvements
A Valley Trail System
Trash & Junk Disposal
Protection of the Aquifer
Animal Control
Sewer/septic regulations
Water Quantity
Fire prevention & suppression
Water Quality
Tranquility/silence
Sustainable Community Practices
Housing Types & Sizes
Dark Night skies
Noise regulation
Taxes
Open Space, Wildlife habitat
Water Rights
Scenic View
Zoning
Air Quality

4. Check which, if any, conditions you feel should be a higher budget priority Issue

Road Improvements
A Valley Trail System
Sustainable Community Practices
Road quality
Fire prevention & suppression
Water Rights
Open Space, Wildlife habitat
Protection of the Aquifer
Trash & Junk Disposal

Water Quality
Water Quantity
Air Quality
Taxes
Tranquility/silence
Scenic View
Dark Night skies
Animal Control
Noise regulation
Zoning
Housing Types & Sizes
Sewer/septic regulations
5. Check which, if any, conditions you feel should be a lower budget priority. Issue
A Valley Trail System
Taxes
Zoning
Tranquility/silence
Sustainable Community Practices
Noise regulation
Housing Types & Sizes
Sewer/septic regulations
Open Space, Wildlife habitat
Scenic View
Animal Control
Dark Night skies
Water Quality
Air Quality
Road quality
Road Improvements
Water Quantity
Water Rights
Protection of the Aquifer
Fire prevention & suppression
Trash & Junk Disposal

1. What do you like best about life in Castle Valley?

Rural/privacy/peace/quiet
Views/open spaces
People/diversity
Access to Parks
Other

2. What do you like least about living in Castle Valley?

Pollution, junk
Town squabbling
Commute down River Road
Rising Taxes
Ordinances
Rude residents
Roads
Wealthy people moving in
Loose, barking dogs
Bright lights
Cows/livestock
Noisy vehicles
Large homes going up
Other

3. Please tell us anything else that you think should be considered when developing the 5-year General Plan? Better road maintenance

Architecture to fit Valley
Promote sustainable energy
Newsletter/ website
Protect water
Better animal control
Recycling
Some gathering places
Better management skills
Weed control
Van/ bus service
More trees
Other

Appendix A

Survey Document

CASTLE VALLEY GENERAL PLAN SURVEY SEPTEMBER 2012

Thank you for taking the time to complete this survey. Its purpose is to gather information from the community to help us update the Town's General Plan, which is done every five years. Your answers are a crucial part of this process. The Town will hold a public meeting, after the surveys are mailed, to help clarify any questions on the survey and will hold additional public meetings with more detailed discussions after the results of the surveys are compiled. *Please be aware that not all goals inquired about will be achievable in the next five years.* To protect your confidentiality, please do not put your name or lot # on the survey. **On each question, please fill-in your answer or circle your answer for multiple choice and yes/no questions.** Use the last page of the survey for fill-in questions that require more space to answer.

For instructions on returning surveys, see the last page.

STATISTICS

Please help us learn more by giving us some information about yourself with the following questions:

Are you a (circle all that apply):

Resident Part-time Resident Property Owner Renter Non-Resident Property Owner

Number of people in your Castle Valley household? _____

How old is each person in your household (please list ages)? _____

Number of years you have owned land in Castle Valley? _____

Number of years you have been residing in Castle Valley? _____

Are you a registered voter in Castle Valley? Yes No

If you are not a resident, do you plan to make Castle Valley your primary residence in the future? Yes No

Are you currently renting out a home that you own in Castle Valley? Yes No

At what stage of development is your property (circle all that apply): Permanent Housing Temporary Housing
Actively Building Plan to Build a Residence on Lot in the Next Five Years No Housing on Lot

SECTION A - WATER & SEPTIC

A1 Do you have a well? Yes No

A2 If yes, do you drink your well water? Yes No

A3 If you do have a well, do you currently treat or filter the water from it? Yes No

A4 Why do you treat/filter your well water (circle all that apply)?

Water hardness Make it healthier to drink Make it potable Don't treat/filter it Other (please list): _____

A5 Do you use a water softener to treat your water? Yes No

A6 If you do not have a well, why not (circle all that apply)?

Poor water quality Lack of water availability Cost of drilling Have not developed property yet

Other (please list): _____

A7 If a suitable site could be located, would you favor the Town spending money to install and maintain a municipal well and pump (not a Valley-wide water distribution system) for self-service fills, especially those with wells not producing potable water (*such a municipal well would be considered a public water system if it serves an average of at least 25 individuals daily, at least 60 days out of the year, and would thereby give the Town's aquifer greater protection under the State's Water Source Protection Program*)?

Strongly in Favor	In Favor	Neutral	Against	Strongly Against
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Septic systems pose one of the biggest potential threats to our aquifer. Please help us learn more about the health of existing systems and whether or not you favor certain septic monitoring practices by answering the following questions:

A8 When was your septic system installed? In the last (circle one):

0-5 years 5-10 years 10 – 15 years Over 15 years Don't Know

A9 When was your septic system last pumped? In the last (circle one):

0-5 years 5-10 years 10 – 15 years Over 15 years Never Don't Know

A10 Do you favor a Town regulation requiring a certificate of septic pumping, or a statement by a company that performs septic pumping stating that the system is properly functioning, upon sale of property?

Strongly in Favor	In Favor	Neutral	Against	Strongly Against
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A11 Do you favor the Town requiring risers on septic tanks on new construction? (Risers would bring the surface of the tank closer to the ground surface allowing easier access for monitoring and pumping of septic systems with an approximate cost of \$100 - \$300 depending on length of riser needed.)

Strongly in Favor	In Favor	Neutral	Against	Strongly Against
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SECTION B – AGRICULTURE & LIVESTOCK

B1 Do you feel that agriculture and livestock contribute to the reasons you have property in Castle Valley or enjoy living here?

Yes No

B2 Do you feel that rural character and/or natural landscaping conditions contribute to the reasons you have property in Castle Valley or enjoy living here?

Yes No

B3 Do you favor the Town continuing to spend money and sponsoring events on invasive noxious weed education and removal?

Strongly in Favor	In Favor	Neutral	Against	Strongly Against
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B4 Do you favor educating and encouraging property owners to use non-toxic herbicides and/or pesticides on their property?

Strongly in Favor	In Favor	Neutral	Against	Strongly Against
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B5 Do you currently use non-organic herbicides and/or pesticides on your property?

Yes No

B6 Do you favor the Town educating and sponsoring events on effective and non-toxic grasshopper control for property owners?

Strongly in Favor	In Favor	Neutral	Against	Strongly Against
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SECTION C – QUALITY OF LIFE

C1 If the BLM/SITLA land swap does not go through would you favor the Town pursuing all possible options to keep these open lands in the upper part of the valley from being developed?

Yes No

C2 Is dust control on your road a concern?

Yes No

C3 Do you favor the Town exploring senior housing options for Castle Valley residents?

Strongly in Favor	In Favor	Neutral	Against	Strongly Against
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C4 If yes, what kind of senior housing would you support (i.e. multi-family dwellings, assisted living etc,)? _____

SECTION D – ECONOMY

D1 Do you currently have a home-based business in Castle Valley? Yes No

D2 Do you plan to add a new home-based business in Castle Valley in the future? Yes No

D3 What type of home or premises occupations and associated activities are: a) appropriate for Castle Valley (please list)?

b) inappropriate for Castle Valley (please list)? _____

SECTION E – ORDINANCE & ENFORCEMENT

E1 Do you currently have a problem with your neighbor's lighting? Yes No

E2 Do you currently have a problem with barking dogs? Yes No

E3 Do you currently have a problem with dogs running loose in the Town? Yes No

E4 Do you favor the Town amending its Animal Control Ordinance to include a leash law in order to receive animal control services?

Strongly in Favor	In Favor	Neutral	Against	Strongly Against
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E5 Are you satisfied with the Town's current enforcement policy? *(The policy seeks to solve ordinance violations first through discussion and mediation rather than Town-initiated inspections, enforcement letters and injunctions, or fines. It requires citizens to file a complaint in order to initiate a review process before a Complaint Resolution Board. For more information please go to the following link on the Town's website: <http://www.castlevalleyutah.com/complaintprocess.cfm>)*

Yes No

E6 Have you ever been a part of a Town complaint/resolution process? Yes No

E7 If yes, were you satisfied with the results? Yes No

E8 If you were not satisfied, please explain why not: _____

E9 If you were involved in a complaint/resolution process, what Town regulation did it involve? _____

E10 Are there any Town ordinances or regulations that you disagree with and if so how would you change them? _____

E11 Are there any new regulations/ordinances you think the Town should adopt? _____

SECTION F – COMMUNITY LIFE & SUSTAINABLE LIVING

F1 Do you favor the Town regulating alternative energy structures that use renewable resources such as windmills, solar panels and solar hot water heaters (circle all that you favor):

By Height By Overall Size To Mitigate Glare/Noise Do not Favor any Regulations

To Allow Property Owners to Exceed a Set Size/Height Limit for Alternative Energy Structures Through a Conditional Use Permit if a Larger System can be Justified

Other (please list): _____

F2 Do you favor having cell phone service in the Valley?

Strongly in Favor	In Favor	Neutral	Against	Strongly Against
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F3 Should the Town sponsor more opportunities for community gatherings and events? Yes No

If yes, please list the type of gathering/events you would the Town to sponsor: _____

SECTION G – GOVERNMENT

G1 Do you favor the Town being proactive in addressing broader regional issues that have the potential to affect the quality of life in Castle Valley (i.e. water quality, air quality, rural character, peace and quiet, enjoyment of natural surroundings, open space)?

Strongly in Favor	In Favor	Neutral	Against	Strongly Against
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G2 Do you favor the Town passing any future resolutions that support a political point of view on national issues that have the potential to affect Castle Valley residents?

Strongly in Favor	In Favor	Neutral	Against	Strongly Against
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G3 How do you receive news about the Town government (circle all that apply)?

Town Website Email TI's Castle Valley Comments Attending Meetings
Town Mailings Other (please list): _____

G4 What suggestions do you have to encourage improved communication between the Town government and the community? _____

G5 What would you suggest to encourage more participation in Town government? _____

SECTION H - CAPITAL IMPROVEMENT PROJECTS & OTHER NEW SERVICES

Please prioritize the following projects that may require additional taxes or fees in order to fund, by rating each with:

0 = Do Not Favor if Additional Fees/Taxes are Needed to Fund

1= Low Priority

2 = Medium Priority

3 = High Priority

H1 Improvement of road base to limit frost damage along problem areas of Castle Valley Drive (rate 0-3) _____

H2 Side road improvement and drainage work beyond what is currently budgeted (rate 0-3) _____

- H3** Purchase of additional needed equipment, such as a backhoe, for the Town Road Department (rate 0-3) _____ **H4**
 Animal Control (rate 0-3) _____
H5 General commuter van/bus service between Castle Valley and Moab (rate 0-3) _____
H6 Commuter van/bus to Moab Regional Hospital (rate 0-3) _____
H7 Improvement of bulletin board and mailbox area including the addition of a covered waiting area (rate 0-3) _____
H8 Landscaping and beautification of Castle Valley Drive Cemetery beyond what is currently budgeted (rate 0-3) _____ **H9**
 Emergency Medical Services on call in Castle Valley (rate 0-3) _____
H10 Monthly or bi-monthly recycling pickup in the Town sponsored by a company such as Green Solutions (rate 0-3) _____
H11 Municipal well and pump for self-service fills (rate 0-3) _____
H12 Children's playground equipment on the Town lot (rate 0-3) _____

SECTION I – LET YOUR VOICE BE HEARD

I1 Which community values and policies do you believe the Town should continue to protect and maintain? Please prioritize the following community values by rating each with:

0= Do Not Favor Continuing to Protect and Maintain

1= Low Priority

2 = Medium Priority

3 = High Priority

Water Quality _____ Air Quality _____ Protection of the Aquifer _____ Scenic Views _____

Open Space _____ Tranquility/Silence _____ Wild Life Habitat _____ Sustainable Agriculture _____

Sustainable Community Practices _____ Renewable Energy Technologies _____

5-Acre Minimum Lot Size _____ No Commercial Development Beyond What is Currently Allowed _____

Single Family Dwelling per 5-Acre Lot Maximum Density Limit _____

Other High Priority Community Value Not Listed Above: _____

I2 Which issues do you believe the Town should make a high priority to develop or improve upon?

Please prioritize the issues below by rating each with:

0= Do Not Favor Continuing to Develop or Improve Upon

1= Low Priority

2 = Medium Priority

3 = High Priority

Valley Trail System _____ Housing Types & Sizes Allowed _____ Septic Regulations _____

Fire Prevention & Suppression _____ Emergency Preparedness _____ Evacuation Policies and Plans _____

Livestock Limits _____ Other High Priority Issues Not Listed Above: _____

I3 Please share any additional concerns or suggestions to help address any issues that you indicated in I1 and I2 above as having a high priority: _____

I4 What should the Town spend less money on in its overall operating expenses (www.castlevalleyutah.com/finances.cfm)? _____

I5 What should the Town spend more money on in its overall operating expenses (www.castlevalleyutah.com/finances.cfm)?

I6 What do you like best about life in Castle Valley? _____

I7 What do you like least about living in Castle Valley? _____

I8 Please tell us about your vision for the Valley. How would you want Castle Valley to look 20 years from now? What would you like to have stay the same? What would you like to have change? _____

To help us further evaluate this survey, please list any question that you found unclear or ambiguous: _____

PLEASE RETURN COMPLETED SURVEYS BY OCTOBER 31, 2012 BY MAIL TO (do not return “The Healthy Septic Information Sheet/Do Not Flush List” with surveys):

**TOWN OF CASTLE VALLEY
HC 64 Box 2705
Castle Valley, UT 84532-9608**

Surveys may also be returned to the Town office during normal office hours. If returning when the office is closed, surveys may be left in the mailbox outside the Town office, just across from the front entry door on the post by the bike rack.

Additional lines for fill-in questions that require more space to answer. Please indicate, by number, which question you are answering.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

TOWN OF CASTLE VALLEY

2019 Survey Results for Open-ended Questions (Grammatical and spelling corrections have not been made)

B2a Do you have a well? If the quality has changed in the past three years, what has changed?

B3 If you do not have a well, why not: poor water quality, lack of water availability, cost of drilling, property undeveloped. Other?

B4a If you do not have a well, do you have a cistern? What size?

C5 Do you have any suggestions regarding the number of allowed animals per lot?

C8 What suggestions do you have about how Town ordinances could reduce the impact of livestock on neighbors?

D1a Enforcement of Town ordinances is primarily handled through the Formal Complaint Process. Do you favor the Town investigating other means to enforce ordinances? If yes, please identify specific mechanisms that might be considered: Complaint-driven-Town can initiate-Hire code enforcement officer- Other?

D2 If there are any Town ordinances or regulations that you disagree with, please suggest specific changes to one or more ordinances where you have concerns.

D3 Are there any new regulations/ordinances you think the Town should consider?

F1I How do you receive news about the Town government? Other?

F2a Do you find the Town website easy to use, with useful information? Please suggest changes that will assist your use of the website.

F7 Are there any important issues that the Town government is not addressing?

G1E The Fire Department members are all volunteers. Do you have suggestions on how the department can recruit and retain new and younger members?

H1 How do you feel about the condition/maintenance of the road you live on? H1a If dissatisfied, do you have any suggestions for improvement?

I1E Please prioritize the following projects that may require additional taxes or fees: side roads, drainage work, road equipment, mailbox area, (E) other improvements:

J1N Which community values & policies do you believe the Town should continue to protect and maintain? Other?

J2G Which issues do you believe the Town should make a high priority to develop or improve upon? Other?

J3 Please share any additional concerns or suggestions to help address any issues that you indicated in J1 and J2 above as having a high priority:

J4 What do you like best about life in Castle Valley?

J5 What do you like least about living in Castle Valley?

J6 Please tell us about your vision for the Valley. What would you like to have stay the same? What would you like to have change?

Additional Comments (please identify the question by number):

TOWN OF CASTLE VALLEY
2019 Survey Results for Quantitative Questions

Survey

First (Primary or joint response) Second (Second member of household)

Total Freq. Percent

(A1) Are you a (circle all that apply)

property owner) Status

Full time resident

Part time resident

Renter

Non-Resident Property Owner

(A2) Number of People in your Household?

Number 0

1 2 3 4 5 6

TOWN OF CASTLE VALLEY
2019 Survey Results for Quantitative Questions

(A3) Age of household members

(A4) Number of years you have owned land in Castle Valley?

(A5) How many lots do you own?

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 dated December 15, 2021 supersedes any earlier Lighting
Ordinance including 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 warmth or coolness. Lamps with a CCT of less than 3,200 °K are pinkish and considered warm. Lamps with a CCT greater than 4,000 °K are bluish-white and considered cool.

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

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

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

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

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

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

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

LED: Light emitting diode.

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

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

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

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

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

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

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

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

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

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

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

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

TOWN BUILDING: Any structure built on a Town lot.

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

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

SECTION III. SCOPE AND APPLICABILITY:

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

B. Compliance: All exterior outdoor lighting installed after the effective date 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 the conditions in this Ordinance.

F. Any Town building or Town construction shall comply with the conditions in this Ordinance except where specifically stated or exempted (See **Section V.B.**, Section IX.B.1 and Section VI-BA-E). *(Change sequence V-VI-IX)*

G. Any public building or public construction shall comply with the conditions in this Ordinance except where specifically stated or exempted (See **Section V.B.**, Section IIISection IX.B.1 and Section VI-BA-E,). *(Change sequence V-VI-IX)*

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

SECTION IV: STANDARDS AND CONDITIONS *Should this say Residential since we will be modifying lumens for public parking lots. Plus we need to confirm that parking at the B&B and permitted CUPS are still adhering to residential standards.*

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

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

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

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

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

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

- E. Maximum Lighting Allowed: The total amount of outdoor lighting shall not exceed 5000 lumens per lot. Lots joined for tax purposes shall be counted as one lot.
- F. Maximum lumens are limited to
1. Max lumens per fully shielded bulb -1000 lumens.
 2. Max lumens per fully shielded directional floodlight or spotlight bulb-1260.
- G. Maximum Color Temperature of All Lighting Fixtures: The correlated color temperature (CCT) of any outdoor lighting fixture shall not exceed twenty seven hundred kelvin (2700 K).
- H. Allowable Applications: Outdoor lighting shall only be allowed in the following applications:
1. To illuminate the entrances to buildings (including garage and barn entrances).
 2. To illuminate pathways and walkways.
 3. To illuminate residential parking areas.
 - a. The overall height of any light post plus fixture used for illumination in residential parking areas shall not exceed six feet (6').
 - b. The location of any light post must conform to standard zoning setbacks as defined in Ordinance 85-3:5.2.A and B.
 4. To illuminate outdoor areas, such as patios, pool and hot tub areas, outdoor dining areas, barn yards and recreation areas provided they are turned off when not in use and not left on overnight. The output from low-lumen, low-voltage string lights shall not exceed two (2) percent of the total outdoor light output allowed for the property and shall be included in the maximum lumens calculation provided they are turned off when not in use and not left on overnight.
 5. For motion sensor lighting, provided all the following conditions shall be met:
 - a. The lighting is activated by motion sensors and shuts off within ~~ten (10)~~ 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 ten (10) minutes of when activity is completed.
 - d. The lighting is placed and directed at a forty-five degree (45°) angle or less (where the zero angle is pointing straight down) such that no bulb can be seen by direct line of sight outside the property boundaries, and no direct illumination falls outside the property boundaries where the security lighting is placed.
 6. Insect control devices that use visible light shall also comply with the outdoor lighting restrictions 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 V. SPECIALIZED OUTDOOR LIGHTING:

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

to be able to set a cap and reduce the current lumens of 24,300. *I need to research workable lumens for Town and LDS parking lots.*

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 residentia., right?)*

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

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

SECTION VI. EXEMPTIONS:

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

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

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

D. Lighting that is only used under emergency conditions.

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

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

1. Be fully shielded.
2. Not be motion activated.
3. Conform to maximum lumen limits for outdoor bulbs as described in Section IV.E and IV.F.
4. Be used only when actively caring for livestock.
5. Have a manual turn off switch and not be left on overnight.

SECTION VII. PROHIBITED LIGHTING:

A. Architectural, landscape, and water feature lighting.

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

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

D. Light trespass from interior lighting that negatively impacts adjacent properties or the overhead skyglow of the night sky is prohibited.

E. Lighted or Illuminated signs. (See 85-3:4.8.3(10).)

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

G. 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.

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

I. Lighting that violates the vision and purpose of this Ordinance.

J. Any lighting of athletic fields and athletic courts. *(We suggest moving this to VII.B.)*

SECTION VIII: VIOLATIONS:

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

Exception: See Section III.C.5.

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

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

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

SECTION IX: APPLICATION AND REVIEW PROCEDURE:

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

1. The lighting plan for all new development shall be submitted for approval concurrent with the associated building permit application process.
2. The Certificate of Occupancy review may include a nighttime inspection at the discretion of the Castle Valley Building Permit Agent. Outdoor lighting must be in compliance with this ordinance before a Certificate of Occupancy will be approved.

B. Building Permit Application Requirements.

1. Town and public building permit applications shall include the following:
 - a. In addition to electrical plans required by applicable Electrical and Energy Codes and applicable sections of the Building Code, elevation plans indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of lamps, supports, and shielding.
 - b. Illustrations, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. The applicant must provide sufficient information regarding the light fixture location, lumens, and shielding mechanisms to be able to determine compliance with this ordinance.
 - c. A table showing the amount of pre-existing and proposed exterior lights, by fixture type, lumens and lamp type, shielding, location, and total lumens.

2. Residential building permit applications for dwellings, accessory buildings or other structures shall include the following:
 - a. In addition to electrical plans required by applicable Electrical and Energy Codes and applicable sections of the Building Code, elevation plans indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises.

EFFECTIVE DATE

This Ordinance shall take effect on December 15th 2021, or upon its publication in the Times Independent, whichever occurs later.

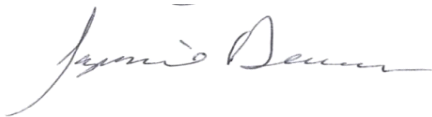
PASSED, ADOPTED AND APPROVED by the Town Council of the Town of Castle Valley in open session on the day 15th of December, 2021.

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

Those voting NAY: None

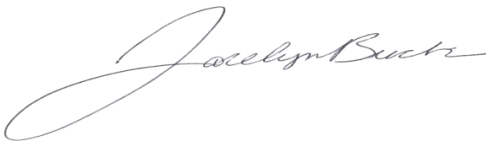
ABSENT: None

TOWN OF CASTLE VALLEY:



Jazmine Duncan, Mayor

ATTEST:



Jocelyn Buck, Town Clerk

Official Seal of the Town of Castle Valley:

Legal Review 12.12.2021 Laurie Simonson