

NOTICE AND AGENDA
Apple Valley Utah
Planning Commission

Public notice is given that the Planning Commission of the Town of Apple Valley, Washington County, Utah will hold a **Planning Commission Meeting with Public Hearing on Wednesday, September 25, 2019** at the **Apple Valley Town Hall**, 1777 N. Meadowlark Dr., Apple Valley, Utah, commencing at 6:00 PM. or shortly thereafter. In accordance with state statute, one or more members may be connected via speakerphone.

The Agenda for the meeting is as follows:

Call to Order/ Pledge of Allegiance/ Roll Call

Hearings on the Following:

- [A.](#) Hearing for General Plan Amendment for AV-1377-E from Residential to Agricultural-Rock Tite Construction/ Graham
- [B.](#) Hearing for Zone Change, Parcel number AV-1377-E from Planned Development to Agricultural-5, Rock Tite Construction/ Graham

Discussion and Action Items:

- [C.](#) Recommendation from Planning Commission on General Plan Amendment for AV-1377-E, from Residential to Agricultural, Rock Tite Construction/Graham
- [D.](#) Recommendation from Planning Commission on Zone Change for Parcel AV-1377-E, Planned Development to Agricultural Zone, Rock Tite Construction/ Graham
- [E.](#) Approval of TKS Conditional Use Permit

Hearings:

- [F.](#) Hearing for Amendments to Town Code 10.28.230 "Accessory Building and Accessory Uses General Requirements."
- [G.](#) Hearing for Amendments to Town Code 10.26 "Outdoor Lighting"
- [H.](#) Hearing for Amendments to Town Code 10.28.100 "Parking Requirements of Private Recreational Vehicles in Residential Zones"

Discussion and Action Items:

- [I.](#) Recommendation from Planning Commission on Changes to Town Code 10.28.230 "Accessory Building and Accessory Uses General Requirements."
- [J.](#) Recommendation from Planning Commission on Town Code Amendments for 10.26 "Outdoor Lighting"
- [K.](#) Recommendation from Planning Commission on Town Code 10.28.100 "Parking Requirements of Private Recreational Vehicles in Residential Zones"

Approval of Minutes:

- [L.](#) Approval of Minutes for 8.28.2019

Adjournment

Interested persons are encouraged to attend public hearings or present their views in writing at least one day prior to the meeting.

CERTIFICATE OF POSTING: I, Michelle Kinney, as duly appointed Recorder for the Town of Apple Valley, hereby certify that this Agenda was posted the Utah Public Meeting Notice website <http://pmn.utah.gov>, the Town Website www.applevalleyut.gov on the **19th day of September, 2019**.

Dated this 19th day of September, 2019

Michelle Kinney, Recorder

Town of Apple Valley

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should notify Michelle Kinney at 435-877-1190.



Town of Apple Valley
1777 N. Meadowlark Drive, Apple Valley, Utah 84737
Phone: (435) 877-1190 Fax: (435) 877-1192
www.applevalleyut.gov

APPLICATION TO APPEAR BEFORE THE PLANNING COMMISSION

Date of Planning Commission meeting for this agenda item to appear ~~9/18/19~~ 9/25/19

Paperwork returned by Graham (Date) 9/9/2019

Name of Applicant: Rock Tite Construction / Graham

Site Location: AV-1377-E

Mailing Address: 4047 W Circle Hurricane, UT 84737

Phone: 435 272 8284

Purpose of Request: General Plan Change from ~~residential~~ residential to agricultural


Applicant Signature

- 1. Annexations: \$1500.00 filing fee
- 2. Conditional Use Permit: \$300.00 filing fee
- 3. Zone Changes: \$500.00 + Acreage Fee filing fee
- 4. Subdivisions: \$1500.00 filing fee
- 5. Lot Line Adjustment: \$200.00 filing fee
- 6. Lot Split (2 Lots): \$250.00 filing fee
- 7. General Plan Amendment: \$500.00 + ~~Acreage Fee~~ filing fee

Note: Final approval of this application is subject to all necessary paperwork being submitted. Applications requiring a public hearing may have other requirements which must be completed prior to placement on an agenda. When those applications have been approved for the agenda, they must be submitted no later than 4:00 p.m. the Wednesday three weeks prior to the expected commission meeting. All other applications must be submitted no later than 5:00 p.m. on Thursday, one week prior to the regularly scheduled Commission meeting. All plats, drawings, or other visual material must be submitted in a format viewable by public attending the meeting, as well as an email in PDF format for reproduction to meet notice requirements.

Planning Commission Chairman / _____
Date

City Administration / _____
Date

on agenda for 9/25/19

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)
)§
COUNTY OF WASHINGTON)

I (We) Rock Tite Construction Co./Seth R Foster, being duly sworn, deposed and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

Rock Tite Construction Co.
Property Owner

Seth R Foster Pres.
Property Owner

Subscribed and sworn to me this 18th day of Sept, 2019.



Jennifer Sander
Notary Public

Residing in: Utah

My Commission Expires: March-31-2020

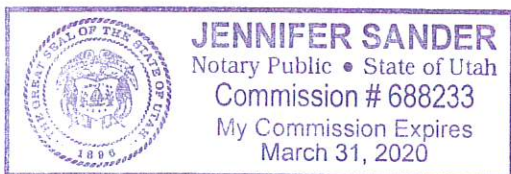
AGENT AUTHORIZATION

I (We), Rock Tite Construction Co, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Jason Graham to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Rock Tite Construction Co.
Seth R Foster Pres.
Property Owner

Property Owner

Subscribed and sworn to me this 18th day of Sept, 2019.



Jennifer Sander
Notary Public

Residing in: Utah

My Commission Expires: March-31-2020



Town of Apple Valley
 1777 N Meadowlark Dr
 Apple Valley UT 84737
 T: 435.877.1190 | F: 435.877.1192
 www.applevalleyut.gov

Fee: \$500.00 + Acreage Fee	
1 – 100 Acres:	\$50.00/Acre
101 – 500 Acres:	\$25.00/Acre
501 + Acres:	\$10/Acre

Zone Change Application

Applications Must Be Submitted A Minimum of 21 Days In Advance of The Planning Commission Meeting

Name: Rock Tite Construction Co.		Phone: 435 272 8284	
Address: 4047 W Circle		Email: seth@ahhomes.com	
City: Hurricane	State: UT	Zip: 84737	
Agent: (If Applicable)		Phone:	
Address/Location of Property: 1950 E 2000 S		Parcel ID: AV-1377-E	
Existing Zone: Planned Development		Proposed Zone: Agricultural -5	
Reason for the request To improve the land to allow the raising of cattle and livestock in a similar fashion to neighboring properties.			

Submittal Requirements: The zone change application shall provide the following:

- A. The name and address of every person or company the applicant represents
- B. An accurate property map showing the existing and proposed zoning classifications
- C. All abutting properties showing present zoning classifications
- D. An accurate legal description of the property to be rezoned
- E. Stamped envelopes with the names and address's of all property owners within 500' of the boundaries of the property proposed for rezoning. Including owners along the arterial roads that may be impacted
- F. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence the applicant has control of the property

Note: To avoid delays in processing your Zone Change request, it is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for the Planning Commission. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 pm. Submission of a completed application does not guarantee your application will be placed on the next PC meeting agenda. It may be placed on the next available PC meeting agenda.

Official Use Only	
Date Received: 9/9/19	By: Ben Billingley
Date Application Deemed Complete: 9/9/19	By: BB

Account 0375827 Viewing Doc Warranty Deed

Entry Number 20190025224 Book Page Recording Date 06/26/2019 12:53:01 PM

Fee \$40.00 Consideration \$10.00 Instrument Date 06/25/2019

From **To**
HERING MARK ROCK TITE CONSTRUCTION CO
HERING SHELLY

Legal Information

Subdivision	Lot	Block	Unit	Building
WATER-H				
WATER-R				
Section	Township		Range	
23	43S		11W	

Legal Description

NE1/4 NE1/4 NW1/4 SEC 23 T43S R11W TOG W/ ROW EASEMENT
WATER RIGHT # 81-1451

Parcel Number Account Number Vesting Deed

AV-1377-E 0375827 [Account](#) ✓

This document references more accounts than can be displayed. The number of accounts on this document is 1

Related Information

Entry Number Book Page

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)
)§
COUNTY OF WASHINGTON)

I (We) Rock Tite Construction Co./Seth R Foster, being duly sworn, deposed and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

Rock Tite Construction Co.
Property Owner

Seth R Foster Pres.
Property Owner

Subscribed and sworn to me this 18th day of Sept, 2019.



Jennifer Sander
Notary Public

Residing in: Utah

My Commission Expires: March-31-2020

AGENT AUTHORIZATION

I (We), Rock Tite Construction Co, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Jason Graham to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Rock Tite Construction Co.
Seth R Foster Pres.
Property Owner

Property Owner

Subscribed and sworn to me this 18th day of Sept, 2019.



Jennifer Sander
Notary Public

Residing in: Utah

My Commission Expires: March-31-2020

CONDITIONAL USE PERMIT

Town of Apple Valley
1777 North Meadowlark Dr.
Apple Valley, Utah 84737
(435)877-1190
Fax (435)877-1192

Fee: \$300

For Office Use Only:

File No. _____

Receipt No. _____

APPLICATION & SUBMITTAL CHECKLIST

Name: Hi-Speed.us, LLC Telephone: 435-467-8467

Address: PO Box 3311 Fax No. _____

Email: tck@tksinc.us

Agent (If applicable): _____ Agent's Phone: _____

Address of Subject Property: 2489 S Highway 59

Tax ID of Subject Property: AV-2-2-16-3301 Zone District: _____

Proposed Conditional Use: (Describe, use extra sheet if necessary) Fiber Optic Demarcation plant
Intersecting splice point between Level3/Centurlink and the Z Fiber line to Hildale

This application shall be accompanied by the following:

- 1) A vicinity map showing the general location of the application.
- 2) Three (3) copies of a plot plan showing the following:
 - Property boundaries, dimensions and existing streets.
 - Location of existing and proposed buildings, parking, landscaping and utilities.
 - Adjoining property lines and uses within one hundred (100) feet of subject property.
- _____ 3) A reduced copy of all plans (8 1/2 x 11 if readable, or 11 x 17) if original plans are larger.
- 4) Building elevations for new construction, noting proposed materials and colors.
- _____ 5) Traffic impact analysis, if required by the Town Engineer or the Planning Commission.
- _____ 6) Applicant's responses to the Conditional Use Permit standards for review (attached)
- _____ 7) A statement indicating whether the applicant will require a variance in connection with the proposed conditional use permit. (If required, the variance should be filed with the conditional use permit submittal.)
- 8) Warranty deed, preliminary title report, or other document (see Affidavit of Property owner attached) showing evidence that the applicant has control of the property;

NOTE: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Contact the Planning Department for the deadline date for submissions. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed due to an incomplete application could result in a month's delay.

(Office Use Only)

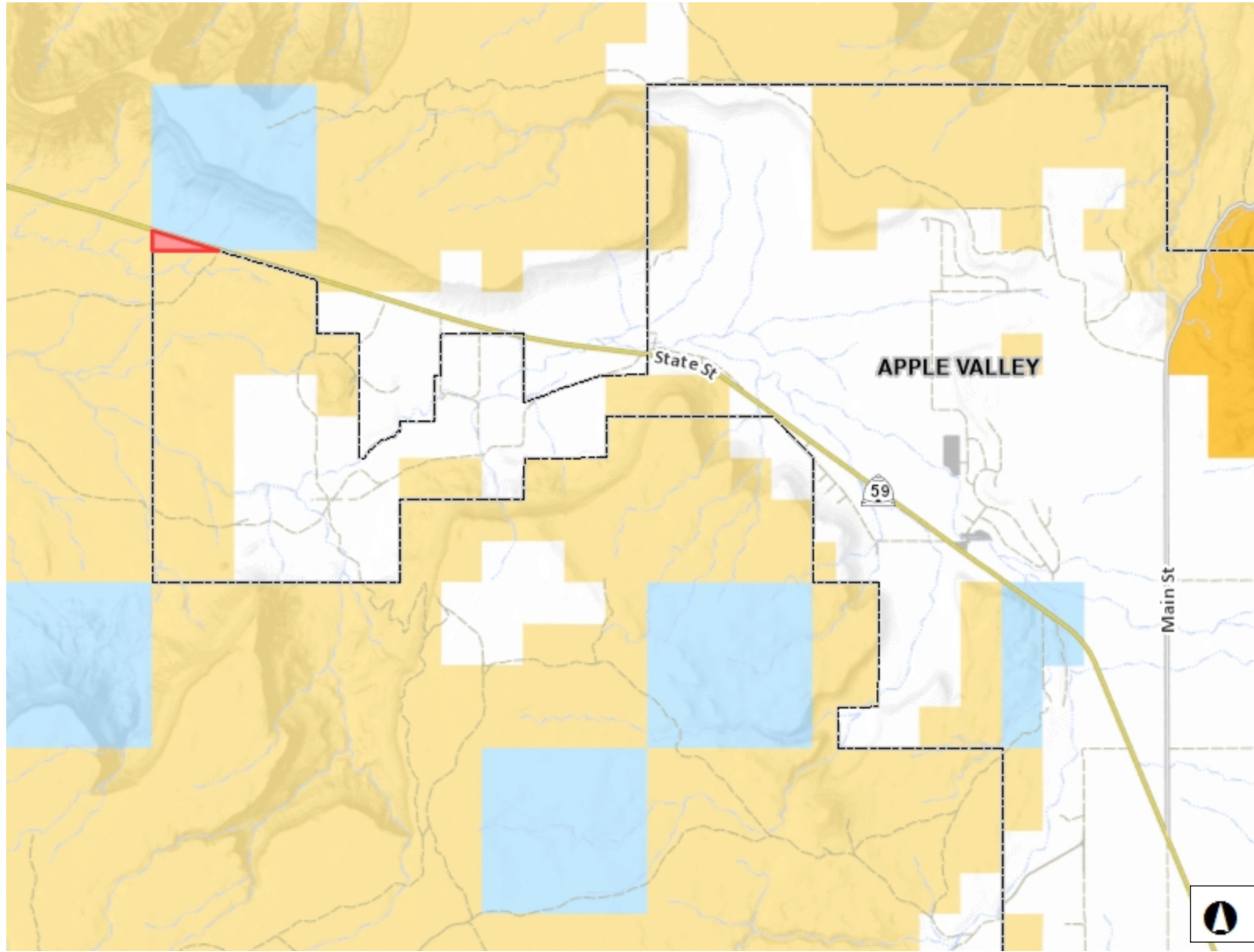
Date Received: 8/3/19

Received by: Ben Billingsley

Date application deemed to be complete: 9/9/19 Completion determination made by: BB



Hi-Speed CUP Vicinity Map



Legend

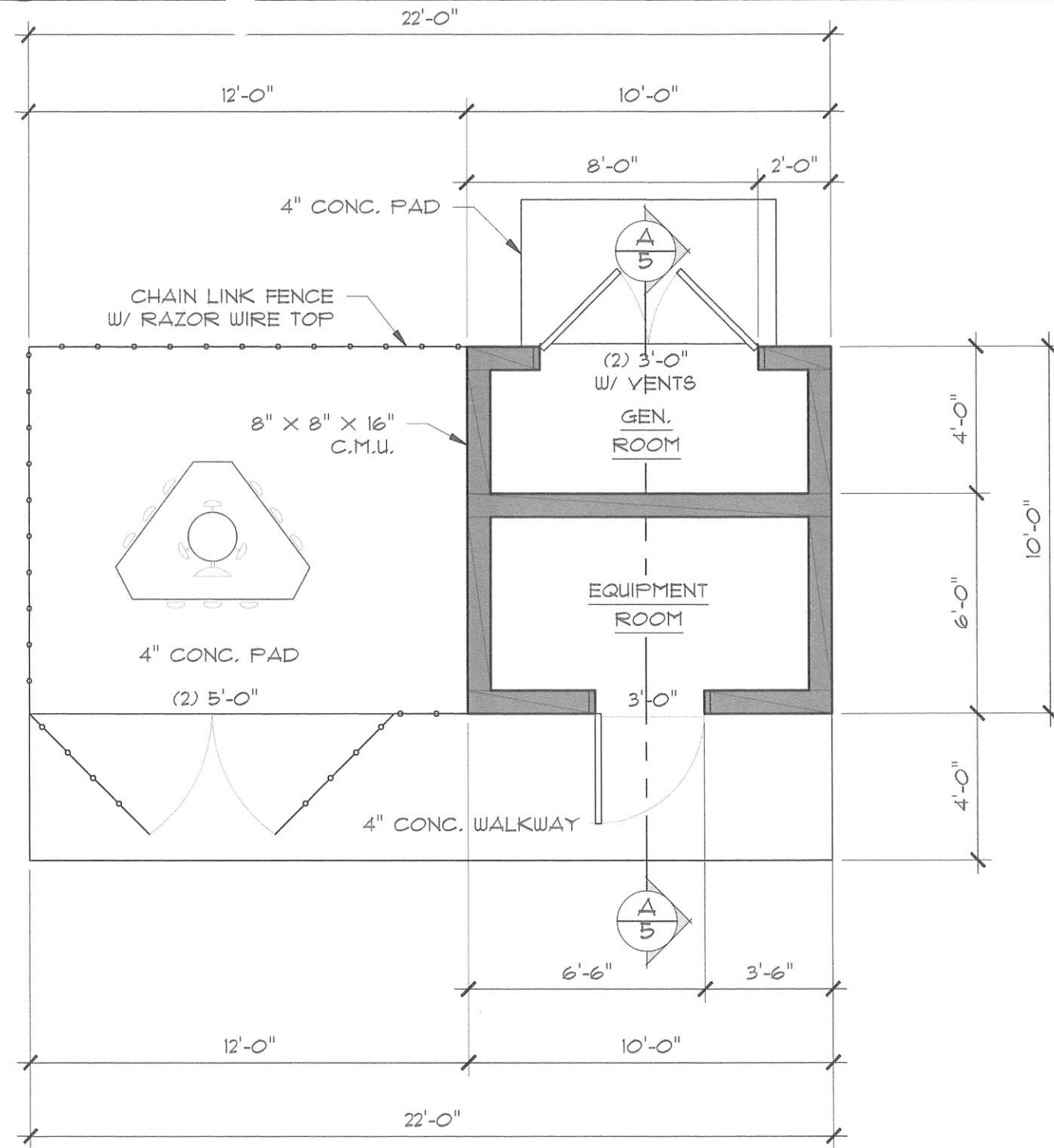
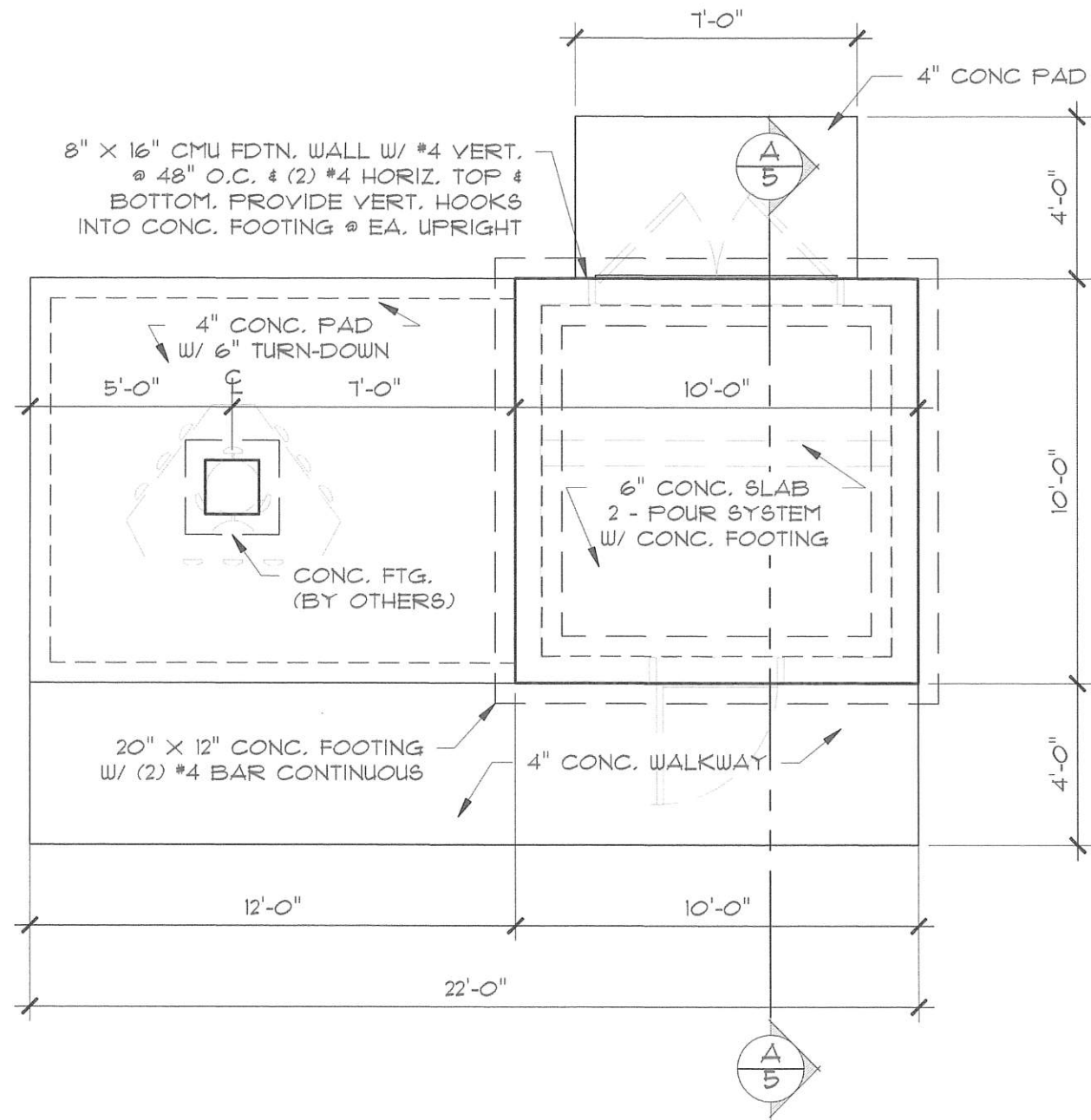
- Municipalities
- Ownership**
- U.S. Forest Service
- U.S. Forest Service Wilderness
- Bureau of Land Management
- Bureau of Land Management Wild
- National Park Service
- Shivwits Reservation
- Utah Division of Wildlife Resources
- Utah Division of Transportation
- State Park
- State of Utah
- Washington County
- Municipally Owned
- School District
- Privately Owned
- Water
- Water Conservancy District
- State Assessed Oil and Gas
- Mining Claim

Notes

12,037.3 0 6,018.65 12,037.3 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.



FOUNDATION NOTES

1. VERIFY ALL DIMENSIONS WITH FLOOR PLAN DRAWINGS.
2. BOTTOM OF ALL FOOTINGS TO BE POURED 24" MIN. (FROST DEPTH) BELOW FINISH GRADE.
3. CONCRETE FOOTING SIZES ARE BASED ON AN ALLOWABLE SOIL BEARING PRESSURE OF 1500 PSF.

GENERAL NOTES

1. 12" X 8" X 16" CMU EXTERIOR & INTERIOR WALLS
2. 8'-0" WALL HEIGHT THROUGHOUT UNLESS NOTED OTHERWISE ON PLAN.
3. 6'-8" HEADER HEIGHT FOR EXTERIOR DOORS.
4. 4" ROOF OVER-HANG THROUGHOUT UNLESS NOTED OTHERWISE.
5. FLAT ROOF PITCH THROUGHOUT.

BUILDING AREAS

STRUCTURE AREA: 100 SQ. FT.
 FENCED-IN AREA: 120 SQ. FT.



TIMPSON DRAFTING & DESIGN

Phone: (435) 319-5311
 Raydti.mpeone@gmail.com
 245 S. CARLING ST.
 COLORADO CITY, AZ 86021

ALL RIGHTS RESERVED

FIBER DEMARCATION PLANT
HI-SPEED.US, LLC

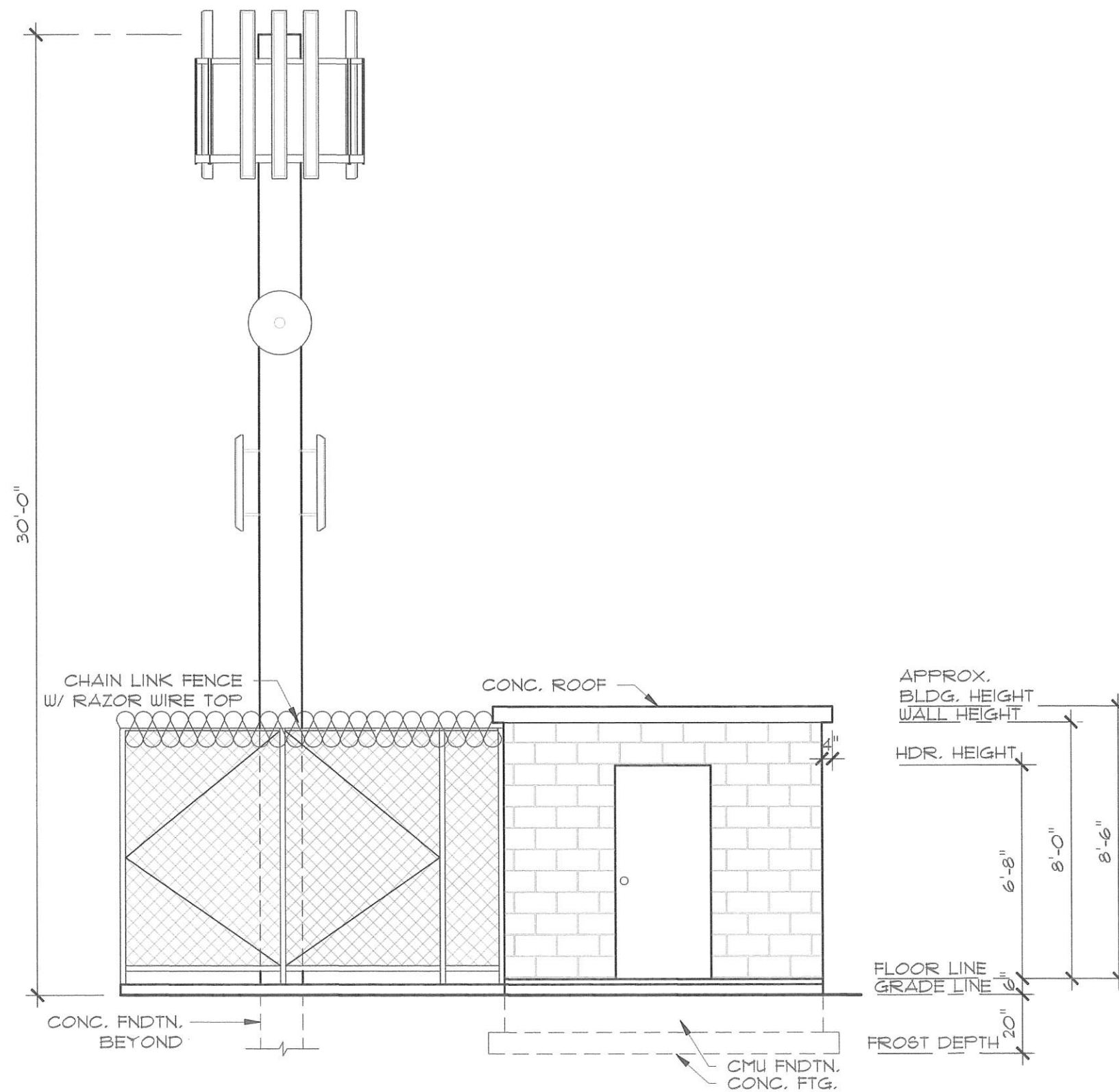
MILE MARKER 15.5
 APPLE VALLEY
 WASHINGTON COUNTY, UT.

ISSUE DATES:
 7/2/19

PAGE #

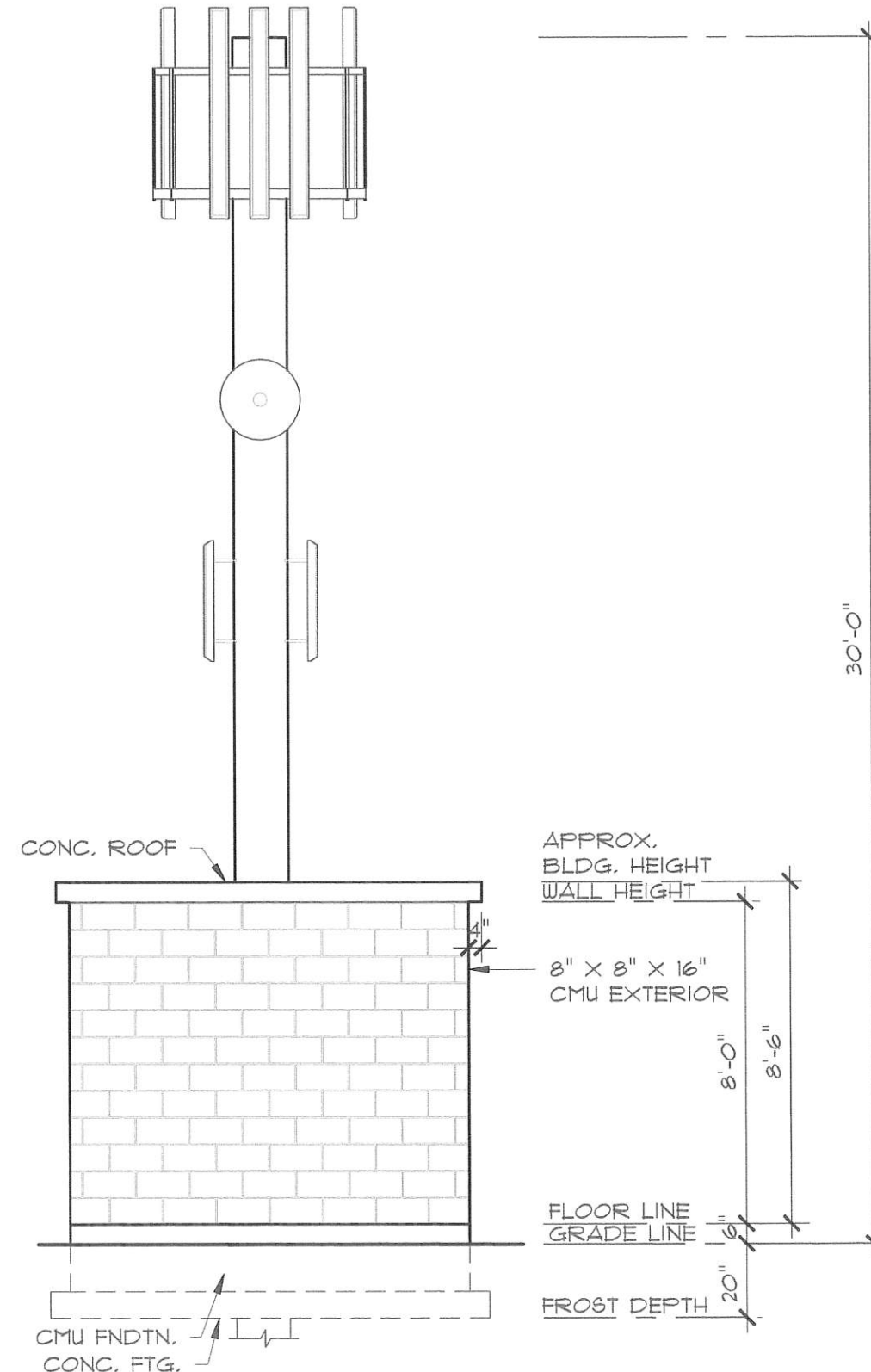
2

FOUNDATION & FLOOR PLANS



FRONT ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



TIMPSON DRAFTING & DESIGN

phone: (435) 319-5311
Raydtimpson@gmail.com

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COLORADO CITY, AZ 86021

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FIBER DEMARCATION PLANT
HI-SPEED.US, LLC

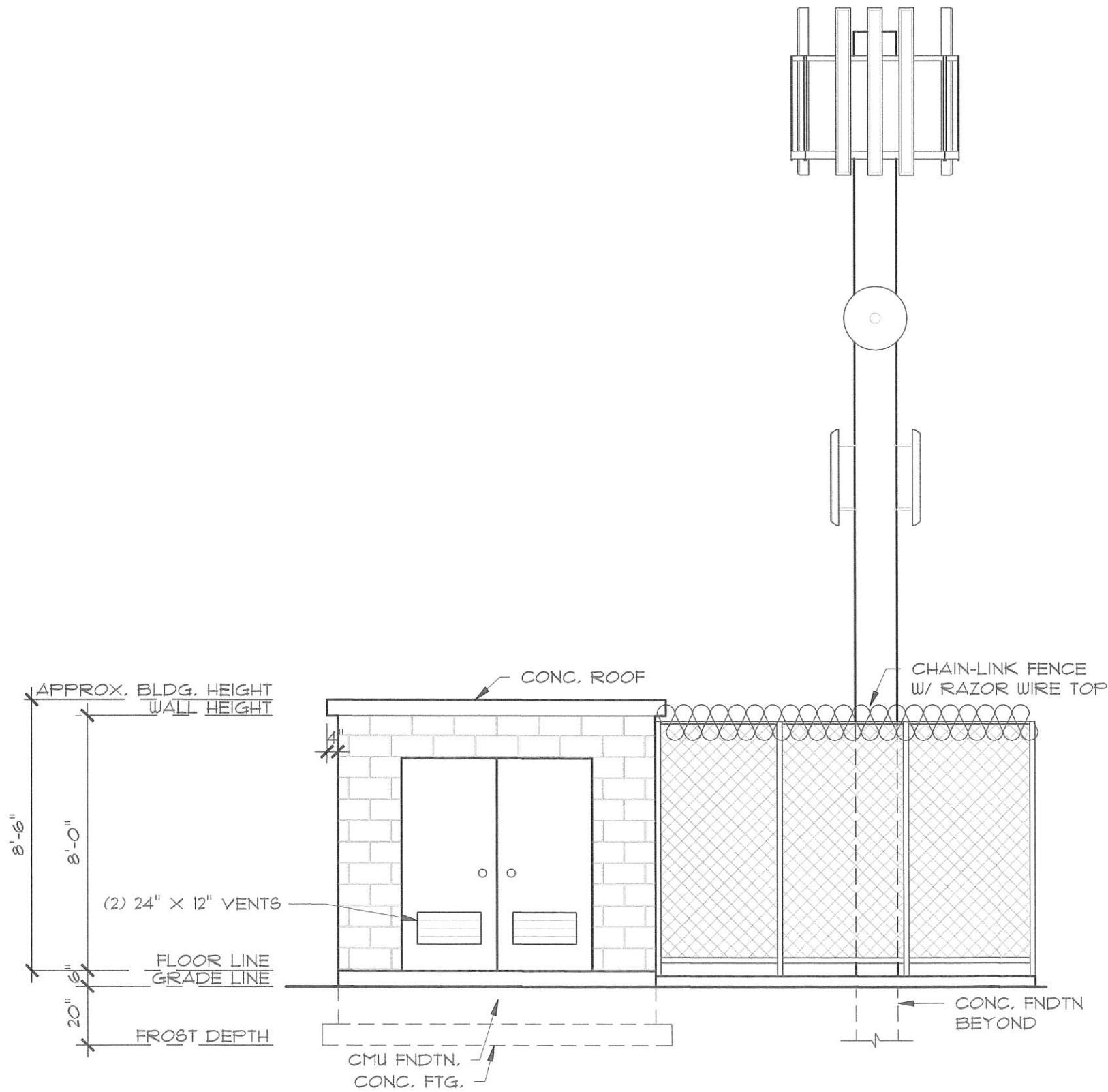
MILE MARKER 15.5
APPLE VALLEY
WASHINGTON COUNTY, UT.

ISSUE DATES:
1/2/19

PAGE #

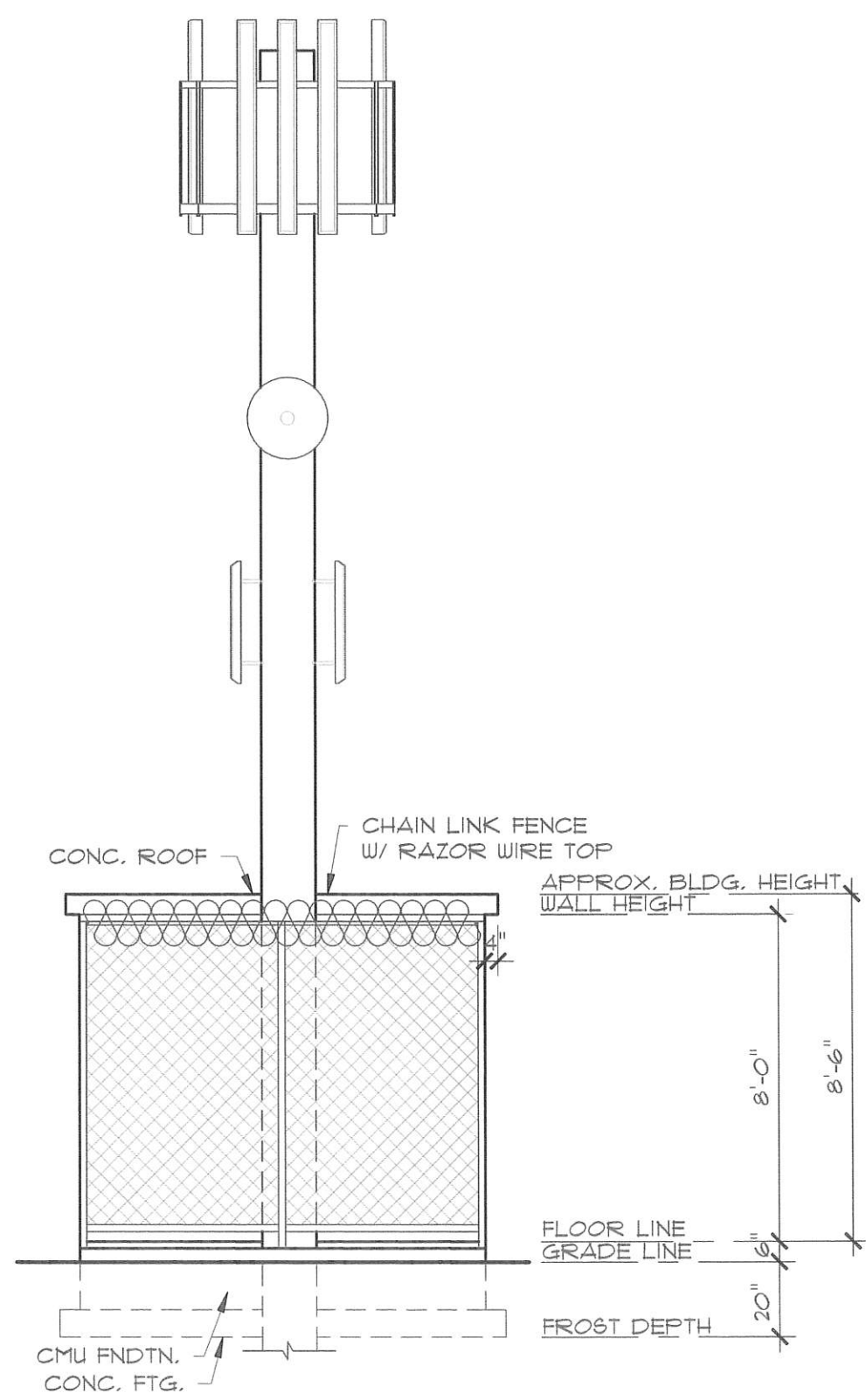
3

ELEVATION PLANS



REAR ELEVATION

SCALE: 1/4" = 1'-0"



LEFT ELEVATION

SCALE: 1/4" = 1'-0"



TIMPSON DRAFTING & DESIGN

245 S. CARLING ST.
COLORADO CITY, AZ 86021
phone: (435) 319-5311
Regdt: timpeo@gmail.com

ALL RIGHTS RESERVED

FIBER DEMARCATION PLANT

HI-SPEED.US, LLC

MILE MARKER 15.5
APPLE VALLEY
WASHINGTON COUNTY, UT.

ISSUE DATES:
1/2/19

PAGE #

4

ELEVATION PLANS



TIMPSON DRAFTING & DESIGN

phone: (435) 319-5311
Raggtimpson@gmail.com

245 S. CARLING ST.
COLORADO CITY, AZ 86021

ALL RIGHTS RESERVED

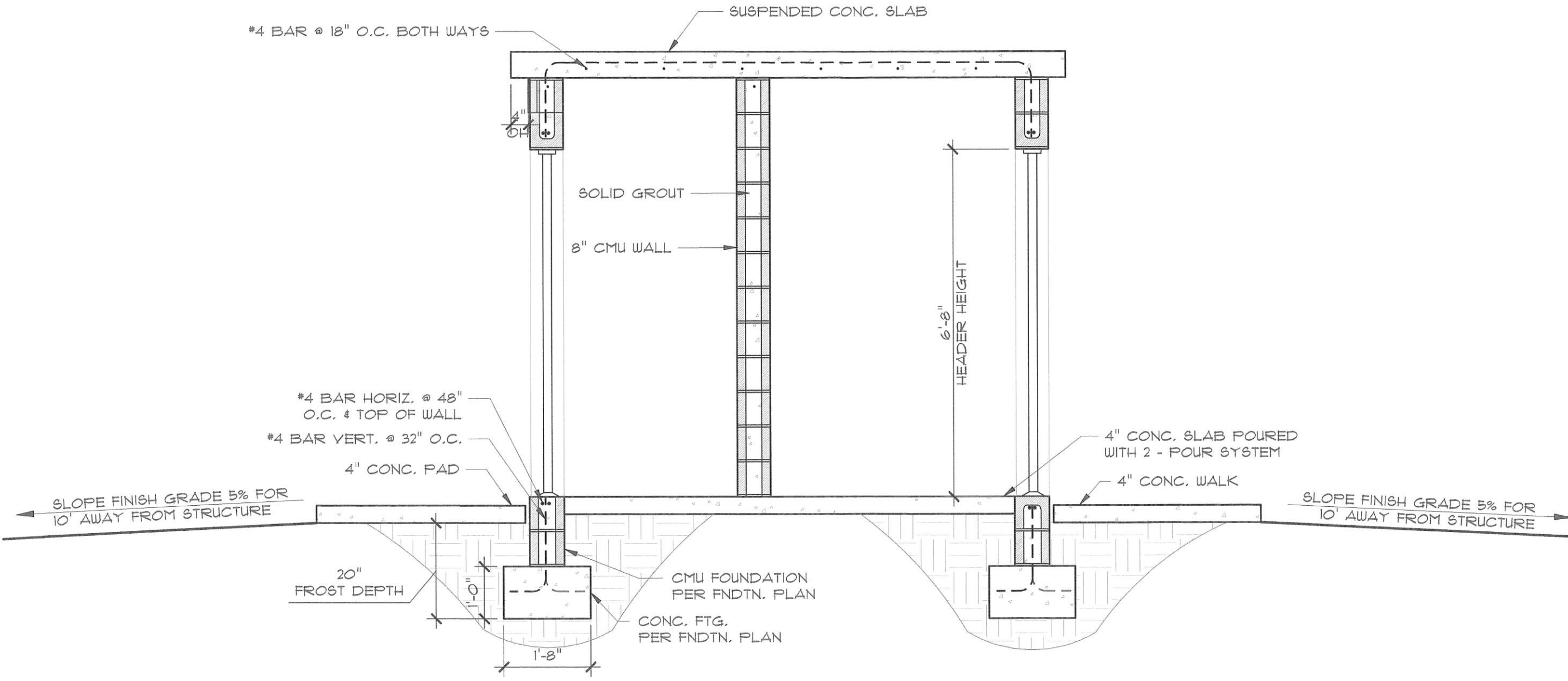
FIBER DEMARCATION PLANT

HI-SPEED.US, LLC

MILE MARKER 15.5
APPLE VALLEY
WASHINGTON COUNTY, UT.

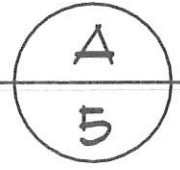
ISSUE DATES:
1/2/15

PAGE #
5
CROSS SECTION



CROSS SECTION

SCALE: 1/2" = 1'-0"





**State of Utah
School and Institutional
Trust Lands Administration**

675 East 500 South, Suite 500
Salt Lake City, Utah 84102-2813
801-538-5100 Fax 801-355-0922
trustlands.utah.gov

**David Ure
Director**

September 6, 2019

Dear Mr. Ben Billingsley:

We have authorized Hi-Speed.US to run fiber through our property essentially from Apple Valley to the Utah/Arizona border. The easement also authorizes them to install necessary cabinets and structures to successfully complete the project. The structures are not to be lived in and as such should not have hookups or other conveniences required for living.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Langston", with a long horizontal flourish extending to the right.

Aaron Langston

Trust Lands Administration

DEVELOPMENT EASEMENT NO. 2250

Fund: School

This development easement number 2250, is entered into effective this 14th day of March 2019, by and between the State of Utah School and Institutional Trust Lands Administration, 675 East 500 South, Suite 500, Salt Lake City, Utah 84102 (the "Grantor"), and Hi-Speed.US, LLC, a Nevada company authorized to do business in Utah, PO Box 3311, Colorado City, Arizona, 86021 (the "Grantee").

A. Grantor is the owner of certain property near Apple Valley in Washington County, Utah along the UT-59 Section 16, Township 42 South, Range 12 West, Salt Lake Base and Meridian (the "Property").

B. Grantee wishes to extend an existing fiber line from the Apple Valley area to the Arizona border. To accomplish this, a small telco building (roughly 10' x 10') will need to be erected in the center of a larger 50' x 50' area of the Property in order to facilitate a fiber splice. Grantee also requests three 15' x 15' radio relay sites for testing and proving of the fiber line. The fiber line, telco building, and radio relay sites are known as the "Improvements."

C. Grantee wishes to construct, operate and maintain the Improvements on portion of the Property, which portion is generally depicted in **Exhibit A** and specifically described in **Exhibit B** (the "Easement Lands"), both attached hereto.

NOW, THEREFORE, for good and valuable consideration and \$2,197.33, which includes \$750.00 for easement application fees, receipt of which is acknowledged, the parties agree as follows:

1. **Grant of Easement.** Grantor hereby grants to Grantee an easement over the Easement Lands for the construction, operation, maintenance, repair, and replacement of the Improvements. All plans and specifications of the Improvements shall be submitted to Grantor for approval prior to construction. In addition, Grantor must provide written approval of any structure that is to go vertical on the Easement Lands prior to construction. The proposed telco building structure and Internet Relay Stations are generally depicted in and shall be in the location shown, in **Exhibit C**. All engineering and construction pursuant to this easement, including any engineering and construction associated with the installation and possible future re-alignment of the Improvements as described below, shall be in a first class workmanlike manner, in accordance with the requirements of any and all laws, ordinances and regulations applicable thereto.

2. **Possible Realignment of the Improvements.** In the future, Grantor might have development opportunities on the Easement Lands. At such time, the Easement Lands may need to be graded, and the Improvements may need to be re-located according to possible future development plans of the Easement Lands. Grantee hereby agrees, upon ninety (90) days of written notification from Grantor, to re-locate the Improvements to a mutually agreeable nearby location on the Property. This possible re-location shall be at the sole expense of the Grantee, its respective successors and assigns. If a mutually agreeable relocation site cannot be agreed upon, Grantor reserves the right to remove any portion of the Easement Lands necessary or convenient

for Grantor's development from this easement and preclude a portion of the Improvements from this easement.

3. **Term.** The easement granted herein is issued for the earlier of a fifteen (15) year term, or until the Improvements are no longer necessary or in service or rendered useless due to lack of proper maintenance. However, if construction of the Improvements has not commenced within two (2) years from the date first set forth in this Agreement and/or is not completed within three (3) years from the date set forth in this Agreement, this easement shall automatically terminate on its own terms. In addition, if the Grantor requests the re-location of the Improvements, as described in paragraph 2 above, and the required re-location has not been completed within six (6) months of Grantor's written notice, this easement will automatically terminate on its own terms. This easement is granted only for the purposes described herein as far as it is consistent with the principles and obligations in the Enabling Act of Utah (Act of July 16, 1894, Ch. 138, 28 Stat. 107) and the Constitution of the State of Utah.

4. **Renewal.** Prior to the termination of this Agreement, as described in paragraph 4 above, Grantee may provide written documentation expressing its desire to renew the Agreement for an additional fifteen (15) year term. If Grantor determines that the Improvements are not negatively affecting any of Grantor's development on the Property, Grantee may choose to renew the term for an additional \$1,000.00. At the end of that extended term, Grantee and Grantor may choose to renew the term for an additional fifteen (15) year term, but fees for that and any other future renewals would need to be negotiated by the then-current market rate for land values; provided however, neither party will have any obligation to enter into any renewal.

5. **Payment of Costs.** All cost and expense in connection with the operation, repair, replacement, and maintenance of the Improvements, including its possible re-location, shall be the responsibility of Grantee. Grantee shall hold Grantor harmless from any and all costs and expenses (including expenses for attorney's fees) which may arise from the construction, operation, maintenance, repair, replacement and re-location of the Improvements.

6. **Liability.** Grantee assumes liability for and agrees to indemnify Grantor for and against any and all claims, losses and liability, including attorney's fees, of any nature imposed upon, incurred by, or asserted against Grantor which in any way relates to or arises out of the activity or presence upon the Easement Lands of Grantee, its servants, employees, agents, contractors, sublessees, assignees, or invitees.

7. **Insurance.** Grantee shall carry liability insurance covering bodily injury, loss of life and property damage arising out of or in any way related to Grantee's activities on the Easement Lands. The limits of the policy shall be no less than \$1,500,000.00 for each claim of an individual and \$3,000,000.00 for each occurrence. The insurance may be in the form of blanket liability coverage so long as such blanket policy does not act to reduce the limits or diminish the coverage required hereunder. Grantee's liability or the coverage limits required by this easement shall not be reduced by any insurance held by Grantor or any of the lessees, permittees or assigns thereof. All insurance policies must name Grantor as an additional insured and waive all claims of subrogation against Grantor.

8. **Consent to Suit.** The parties consent to suit solely in the courts of the State of Utah in any dispute arising under the terms of this easement or as a result of any operations carried on under this easement.

9. **Assignment.** The acquisition or assumption by another party under an agreement with Grantee of any right or obligation of Grantee under this easement shall be ineffective unless and until Grantor is notified of such agreement and recognizes and approves the same in writing.

Grantor shall not unreasonably withhold its consent to an assignment of this easement, and hereby grants such consent if the assignment is part of a sale or merger of Grantee and substantially all of its assets.

10. **Compliance with Law.** Grantee, in exercising the privileges granted by this easement, shall comply with the provisions of all valid Federal, State, County, and Municipal laws, ordinances, and regulations. Grantee shall neither commit nor permit any waste on the Easement Lands. Grantee shall take reasonable precautions to prevent pollution or deterioration of lands or waters which may result from the exercise of the privileges granted pursuant to this easement.

11. **Easement Non-Exclusive.** It is expressly understood and agreed that the right herein granted is non-exclusive and Grantor hereby reserves the right to issue other non-exclusive easements, leases, or permits on or across the Easement Lands where such uses are appropriate and compatible or to dispose of the property by sale or exchange.

12. **Existing Interests.** Grantee shall be responsible to notify holders of existing state issued interests on the Easement Lands, as such interests are set forth on **Exhibit D** attached hereto, of Grantee's rights and plans hereunder. Grantee accepts this Agreement subject to all such existing interests and accepts responsibility for coordination of its activities with such other interested parties.

13. **Covenants Against Liens.** Grantee shall not suffer or permit to be enforced against the Easement Lands or any part thereof, and shall indemnify and hold Grantor and any of its lessees and assigns thereof harmless for, from, and against (i) any mechanics', materialman's, contractor's, or subcontractor's liens arising from; and (ii) any claim, loss and/or liability for damage growing out of the work of, any construction, operation, maintenance, repair, restoration, replacement, improvement, and/or relocation done by or on behalf of Grantee on the Easement Lands. Grantee shall pay or cause to be paid all of such liens, claims, or demands before any action is brought to enforce the same against the Easement Lands. If Grantee in good faith contests the validity of any such lien, claim, or demand, then Grantee shall, at its expense, defend itself and Grantor and any of the lessees and assigns thereof against the same and shall pay and satisfy any adverse judgment that may be rendered thereon prior to execution thereof and in the event of any such contest Grantee shall, at the request of Grantor, provide such security and take such steps as may be required by law to release the Easement Lands from the effect of such lien.

14. **Notices.** Notices shall be in writing and shall be given by (a) personal delivery, (b) deposit in the United States mail, certified mail, return receipt requested (which receipt shall be preserved as evidence of delivery), postage prepaid, or (c) overnight express delivery service, addressed or transmitted to Grantor and Grantee, as applicable, at the following addresses, or to such other addresses as either party may designate to the other in a writing delivered in accordance with the provisions of this Paragraph:

If to GRANTOR: School and Institutional Trust Lands Administration
 Attn: Assistant Director – Planning and Development
 675 East 500 South, Suite 500
 Salt Lake City UT 84102

If to GRANTEE: Hi-Speed.US, LLC
 PO Box 3311
 Colorado City, AZ 86021

All notices shall be deemed to have been delivered and shall be effective upon the date on which the notice is actually received, if notice is given by personal delivery or by overnight express delivery service, or on the third day after mailing if notice is sent through the United States mail.

15. **Default.** In the event of a default or breach of any of the terms of this Easement by Grantee, including but not limited to Grantee's failure to construct the Improvements as described herein, Grantor will provide the defaulting party with written notice of the default and provide Grantee with thirty (30) days from the date of the notice to remedy the default or such time as is reasonably required to remedy the default. In the event Grantee does not remedy the default in the 30-day time period set forth in the written notice, or such longer time as granted in Grantor's sole discretion, Grantor may terminate the easement granted herein. Such termination shall be effective upon Grantor giving written notice. Upon receipt of such notice, Grantee shall immediately surrender possession of the Easement Lands to Grantor and all improvements on the Easement Lands shall, at Grantor's discretion, be forfeited and become the property of Grantor. In addition, Grantor may exercise any other right or remedy it may have at law or equity.

16. **Fire Suppression.** Grantee shall at all times observe reasonable precautions to prevent fire on or near the Easement Lands and shall comply with all valid Federal, State, County, and Municipal laws, ordinances, and regulations. In the event of a fire on or near the Easement Lands proximately caused by Grantee which necessitates suppression action that incurs cost, Grantee shall pay for such costs.

17. **Cultural Resources.** Pursuant to all applicable laws regarding cultural, archaeological, paleontological, and antiquities resources, and pursuant to Utah Administrative Code R850-60-900, upon discovery of a site, historic property, remains, antiquities, or critical paleontological resources, Permittee shall immediately cease all activities until such time as the discovery has been evaluated and treated to the Grantor's satisfaction. All specimens shall remain the property of the State of Utah. Definitions in this clause:

"Antiquities" UCA 76-6-901(1)

"Critical Paleontological Resources" UCA 79-3-102(4)

"Cultural Resources" R850-1-200(8)

"Historic Properties" UCA 9-8-302(5)

"Remains" UCA 9-9-402(11)

"Site":

Archaeology UCA 9-8-302(17), R850-1-200(31)

Paleontological UCA 79-3-102(14), R850-1-200(20)

"Specimen":

Archaeology UCA 9-8-302(18), R850-1-200(33)

Paleontological UCA 79-3-102(15)

18. **No Warranty of Title.** Grantor claims title in fee simple, but does not warrant to Grantee the validity of title to the Easement Lands. Grantee hereby waives and shall not have, any claim for damages or refund against Grantor for any claimed failure or deficiency of Grantor's title to said lands or for interference by any third party.

19. **Inspection.** Grantor reserves the right to inspect the Easement Lands at any time and recall Grantee for correction of any violations of stipulations contained herein.

20. **Granted Pursuant to Law.** This easement is granted pursuant to the provisions of all applicable laws and subject to the rules of the departments and agencies of the State of Utah presently in effect and to such laws and rules as may be hereafter promulgated by the State.

21. **Covenants Run with the Land.** The grant and other provisions of this easement

shall constitute a covenant running with the land, and shall be binding on and shall inure to the benefit of the parties hereto and their respective successors and assigns, all of which persons may enforce any obligation created by this agreement.

22. **Interpretation.** This easement shall be interpreted and governed by the laws of the State of Utah without regard to its choice or conflicts of laws provisions that may refer the interpretation hereof to the laws of another state.

23. **No Waiver.** No waiver of any condition by Grantor of any default of Grantee or failure of Grantor to timely enforce any provisions of this easement shall constitute a waiver of or constitute a bar to subsequent enforcement of the same or other provisions of this easement. No provision in this easement shall be construed to prevent Grantor from exercising any legal or equitable remedy it may otherwise have. By this easement, Grantor does not waive, limit, or modify any sovereign immunity from suit except as specifically provided herein.

[Remainder of page left intentionally blank.]

IN WITNESS WHEREOF, the parties have caused this easement to be executed this 14th
day of May 2019.

GRANTOR: STATE OF UTAH
School and Institutional
Trust Lands Administration

By: David Ure
DAVID URE, DIRECTOR

APPROVED AS TO FORM
SEAN D. REYES
ATTORNEY GENERAL

By: Sean D. Reyes
Special Assistant Attorney General

GRANTEE: Hi-Speed.US, LLC
PO Box 3311
Colorado City, AZ 86021

By: Margaret Pentecost
Name: Margaret Pentecost
Title:

STATE OF UTAH)
)
COUNTY OF SALT LAKE)

On the 14th day of May 2019, personally appeared before me David Ure, who being duly sworn did say that he is the Director of the Utah School and Institutional Trust Lands Administration, and authorized to execute the above instrument.

My commission expires:

05/06/21

Alan Russell Roe
Notary Public, residing at:



STATE OF Utah)
)
COUNTY OF Washington)

On this 14th day of May 2019, personally appeared before me Thomas Knudson, the manager of Hi-Speed.US, LLC, who acknowledged that (s)he, being duly authorized, did execute the foregoing instrument on behalf of said Hi-Speed.US, LLC.

My Commission expires:

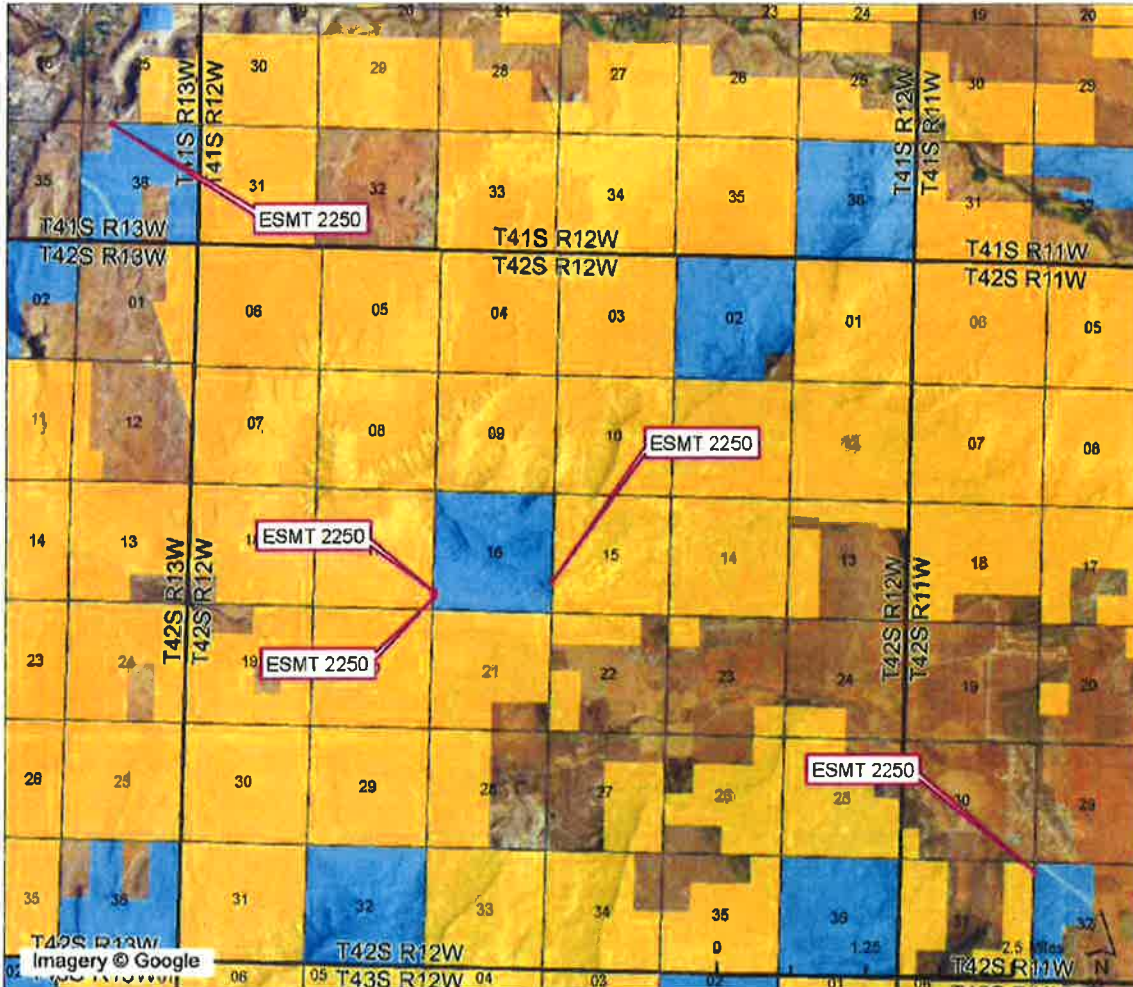
11/1/2020

TS
Notary Public, residing at: Washington County



EXHIBIT A
 Easement Lands

ESMT 2250 - Hi-Speed Fiber Line and Telco Building
 T41S R13W within Sec. 36, T42S R12W within Sec. 16, T42S R11W within Sec. 32 SLB&M
 Washington County



ESMT 2250 (06 acres)

Land Ownership and Administration

- Bureau of Land Management
- Private
- State Trust Lands
- Other State

Data represented on this map is for REFERENCE USE ONLY and is not suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. SITLA approves this data in good faith and shall not be liable for any incorrect results or any special, indirect or consequential damages to any party, arising out of or in connection with the use or the inability to use the data hereon. Land parcels, lease boundaries and associated SITLA data layers may have been adjusted to allow for visual "best fit". The Surface Ownership Land Status data (if present) are maintained by SITLA to reflect current land status and surface ownership. Lakes, rivers, streams, pathways, roads, county and state boundaries are distributed by the Utah Automated Geographic Reference Center or other sources as specified. Contour lines (if present) were generated from USGS 10 meter DEM. Please Note: While SITLA seeks to verify data for accuracy and content discrepancies may exist within the data. Acquiring the most updated SITLA ownership GIS data may require contacting the GIS staff directly 801-538-6100 or TLA-GIS@utah.gov. The SITLA GIS Department welcomes your comments and concerns regarding the data and will attempt to resolve issues as they are brought to our attention. Produced April 03, 2019. brad@jonson

Document Path: V:\GIS\GIS_Review\Development\Development\ROE\ROE_DEV\Template.mxd

Date: 4/10/19 Coordinate System: NAD83 UTM Zone 12N Projection: Transverse Mercator

EXHIBIT B
Legal Description of Easement Lands

Section 36, Township 41 South Range 13 West

Beginning at the North 1/16 corner of Section 36, Township 41 South, Range 13 West of the Salt Lake Base and Meridian said corner being North 89°41'12" East 1322.53 feet along the North section line from the Northwest corner of said Section 36 and running thence along said North section line North 89°41'12" East 50.00 feet; thence leaving said North section line South 00°02'15" East 50.00 feet; thence South 89°41'12" West 50.00 feet to a point on the West 1/16 line of said Section 36; thence along said West 1/16 line North 00°02'15" West 50.00 feet to the point of beginning.

Contains 2,500 sq. ft. – 0.06 acres.

Section 32, Township 42 South Range 11 West

Beginning at a point which is South 00°00'23" East 393.98 feet along the West section line from the Northwest corner of Section 32, Township 42 South, Range 11 West of the Salt Lake Base and Meridian and running thence North 89°59'37" East 50.00 feet; thence South 00°00'23" East 50.00 feet; thence South 89°59'37" West 50.00 feet to a point on said West section line; thence along said West section line North 00°00'23" West 50.00 feet to the point of beginning.

Contains 2,500 sq. ft. – 0.06 acres.

Section 16, Township 42 South Range 12 West

Easement #1

Beginning at a point which is North 00°09'11" West 510.32 along the West section line from the Southwest corner of Section 16, Township 42 South, Range 12 West of the Salt Lake Base and Meridian and running thence along said West section line North 00°09'11" West 100.00 feet; thence leaving said West section line South 76°07'01" East 103.08 feet; thence South 00°09'11" East 75.00 feet; thence South 89°50'49" West 100.00 feet to the point of beginning.

Contains 8,750 square feet.

Easement #2

Beginning at a point which is North 00°08'11" West 1354.32 feet along the East section line from the Southeast corner of Section 16, Township 42 South, Range 12 West of the Salt Lake Base and Meridian and running thence South 89°51'49" West 50.00 feet; thence North 00°08'11" West 50.00 feet; thence North 89°51'49" East 50.00 feet to a point on said East section line; thence South 00°08'11" East 50.00 feet to the point of beginning.

Contains 2,500 sq. ft. – 0.06 acres.

Easement #3

Beginning at a point which is North 00°09'11" West 734.61 feet along the West section line from the Southwest corner of Section 16, Township 42 South, Range 12 West of the Salt Lake Base and Meridian said point also being a point on the Northerly Right of Way of State Route 59 and running thence along said West section line North 00°09'11" West 110.38 feet; thence leaving said West section line North 89°50'49" East 100.00 feet; thence South 00°09'11" East

140.00 feet to a point on said Northerly Right of Way; thence along said Northerly Right of Way North 73°39'11" West 104.29 feet to the point of beginning.
Contains 0.29 acres (12,519 sq. ft.)

EXHIBIT C Proposed Telco Structure

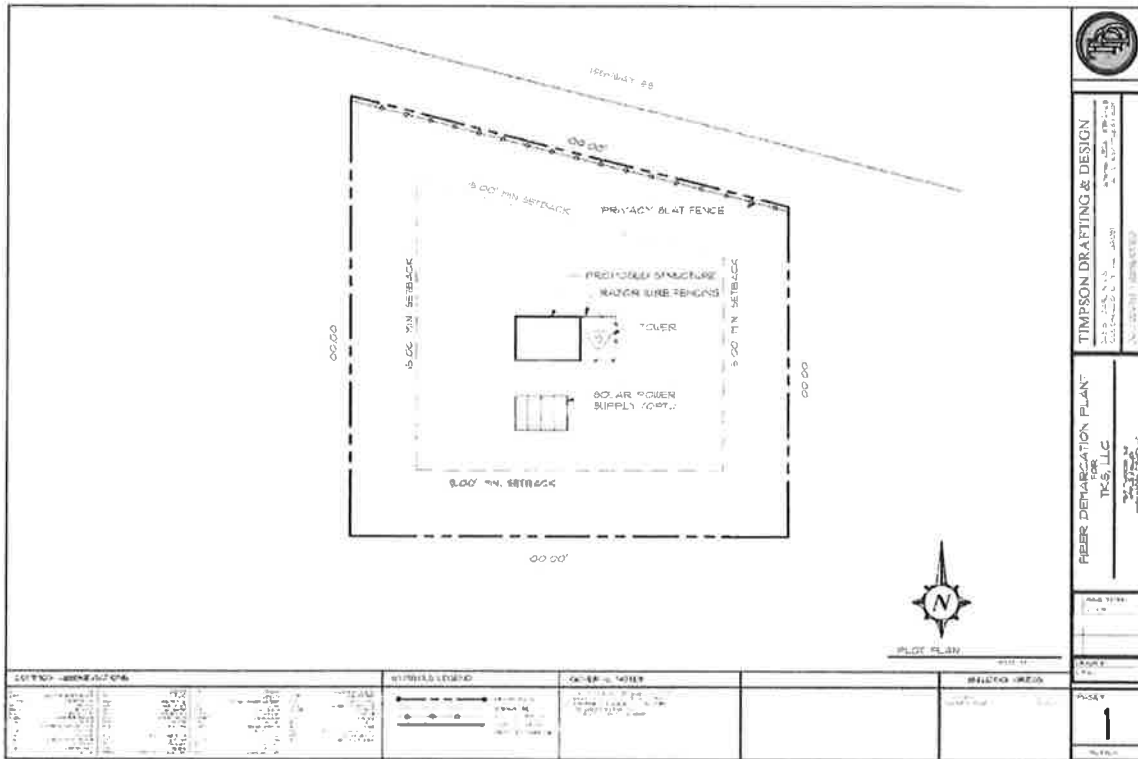
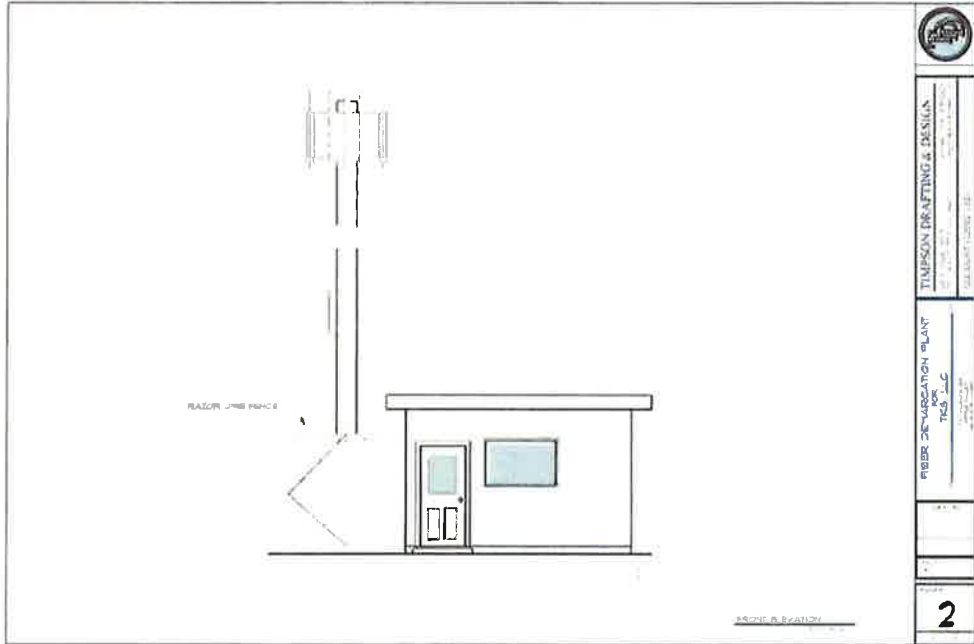


EXHIBIT C Proposed Telco Structure and Typical Internet Relay Station

Telco Structure:



Internet Relay Structure:



EXHIBIT D
Existing Encumbrances

ROW 765
Utah Department of Transportation (UDOT)
4501 SOUTH 2700 WEST.
SALT LAKE CITY UT 84119

ESMT 285A
PACIFICORP DBA ROCKY
RIGHT OF WAY SERVICES, 1407 WEST NORTH TEMPLE, SUITE 110
SALT LAKE CITY UT 84116

10.28.230 Accessory Buildings And Accessory Uses General Requirements [Edit](#)

1. Accessory buildings and accessory uses may be authorized in association with a primary building or primary use.
2. Accessory buildings and accessory uses shall only be authorized concurrently with, or following, the establishment of the primary building or primary use.
3. An accessory garage may be attached to, or detached from, the primary building.
 1. An accessory garage that is attached to a primary building shall meet all requirements for the location of the primary building.
 1. All garages and other accessory buildings located within ten feet (10') of the primary building shall be considered attached and part of the primary building and the setback requirements applicable to the primary building shall apply
 2. See also AVLU 10.28.240.
4. An accessory garage that is detached from a primary building shall meet all requirements for the location of a detached accessory building, as provided herein.
 1. All garages and other accessory buildings located ten feet (10') or more away from the primary building may be located no less than three feet (3') from the side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.
 2. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
 3. See also AVLU 10.28.240.
5. Accessory buildings, located on corner lots, shall meet the required corner side yard setback, applicable in the zoning district in which the accessory building is located.
6. Accessory buildings, except for agricultural use accessory buildings, shall be constructed of similar materials and colors and be an architectural style designed to blend with the primary building.
7. Agricultural use accessory buildings, including barns and stables, shall be constructed of serviceable building materials.
8. Accessory buildings shall comply with the requirements of the adopted building code, as applicable.
9. No mobile home, travel trailer, boat or similar recreational vehicle shall be used as an accessory building.
10. ~~No~~Any shipping container, cargo container, shipping crate, box, trailer or similar piece of equipment ~~of any size over 200 square feet to or object shall to~~ be used as an accessory building, shall require a building permit and unless said container must meets the requirements of this section. Forty foot containers are NOT allowed and only one 20 foot shipping container allowed per lot.
11. No utility connections or meters, separate from the primary building, shall be allowed for accessory buildings. Unless required by code.
12. No accessory buildings shall be rented, leased or sold separately from the rental, lease or sale of the primary building.
13. No accessory building shall be used as a permanent dwelling unit.
14. No accessory building shall be located closer than three feet (3') to any side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.
15. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
16. Accessory buildings used for the housing of domestic livestock or fowl shall comply with the requirements of AVLU 10.10.050 B.

- [10.26.010 Purpose](#)
- [10.26.020 Scope And Applicability](#)
- [10.26.030 Conformances With Applicable Codes](#)
- [10.26.040 Regulations](#)
- [10.26.050 Effective Date And Nonconforming Luminaries](#)
- [10.26.060 New Subdivision Constructions](#)
- [10.26.070 Violations And Legal Action](#)
- [10.26.080 Definitions](#)

Outdoor lighting at night benefits everyone. It increases safety, enhances the Town's nighttime character, and helps provide security, as well as energy efficiency. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass and pollute the night sky, and higher energy use which in turn may cause safety problems and increased cost for everyone. There is a need for a lighting ordinance that recognizes the benefit of the outdoors lighting and provides clear guidelines for its installation to maintain and complement the Town's character. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the town.

1. All exterior outdoor lighting installed after the effective date of this ordinance in any and all zones in the town shall conform to the requirements established by this Ordinance and other applicable ordinances unless otherwise exempted. This Ordinance does not apply to indoor lighting.
2. Law governing conflicts. Should this ordinance be found to be in conflict with any provisions of Federal, State, County, or Town statutes, codes, or other sections of the Town Ordinances, the more restrictive shall govern unless otherwise required by law.

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of the Apple Valley Town Ordinances, including but not limited to the Building Code, the Electrical Code and the Sign Code under appropriate permit and inspection.

All public and private outdoor lighting installed in the Town of Apple Valley shall be in conformance with the requirements established by this Ordinance. Including Parking lots and Single Family Homes, All previous language in the Apple Valley Town Codes regarding outdoor lighting is replaced with this Ordinance.

1. Control of Glare / Design Factors
 1. Any luminaries with a lamp rated at a total of MORE than 18200 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 6900 lumens shall not emit any direct light above a horizontal plane and shall be shielded and pointed downward. ~~through the lowest direct light emitting part or the luminaries.~~
 2. Any luminaries with a lamp or lamps rate at a total MORE than 18200 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 6900 lumens, shall be mounted at a height equal to or less than the value 3 feet + (D/3), where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet. Flood or spot lights may be temporarily operated and should be equipped with a motion sensor or timer to automatically shut off; not to exceed 15 minutes of non-use.
2. Exceptions to Control of Glare

1. Any luminaries with a lamp or lamps rated at a total of ~~18~~200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at ~~9~~600 lumens or LESS may be used without restriction on light distribution or mounting heights, except that if any spot or flood luminaries rated ~~9~~600 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaries to be directed toward residential buildings or adjacent or nearby land, or creates glare perceptible to persons operating motor vehicles on public right of ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.
 2. Luminaries used for public roadway illumination may be installed at a maximum height of 34 feet and may be positioned at that height up to the edge of any bordering property.
 3. Luminaries used primarily for sign illumination and property illumination may be mounted at any height to a maximum of 25 feet, regardless of the lumen rating.
3. Outdoor Advertising
1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of subsection B,1 Bottom-mounted outdoor advertising sign lighting shall not be used.
 2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated for within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to maximize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.
 3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this ordinance when it becomes necessary to make major repairs (NEW PERMIT) to the signage or within 10 years from date of this provision.
4. Recreational Facilities
1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), Such as but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
 1. All fixtures used for ~~the~~ event lighting shall be fully shielded as defined in subsection ~~B~~A,1 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare. Pole height will not exceed 25 feet.
 2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.
5. Parking Area Lighting Low pressure or high pressure sodium light sources are the only allowed light source for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off site by using cut off Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.
1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the Maximum allowed.
 2. Pole Height / ~~Wattage~~ Design. Luminaries mounting height must be measured from the Parking Lot or Driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Commission. The maximum height shall only be allowed at the review and approval with specific findings. The determination shall be based on:
 1. review of the Site plan,
 2. proposed land uses,

3. surrounding land uses,
 4. Parking area size,
 5. Building mass,
 6. Location of the site with respect to other lighting sources,
 7. Impact on the adjacent properties,
 8. Topography of the site, and
 9. Other site features. Light poles higher than sixteen feet (16') are appropriate only for parking areas exceeding two hundred (200) stalls and not in close Proximity to residential areas.
3. Parking Area Wattage / Design Standard.
 1. Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.
 2. Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.
 3. All attempts shall be made to place the base of light poles within landscaped areas.
 4. Underground Parking Garage entryways. Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.
 5. Submission Requirements. An application for Development with off street parking must contain the following.
 1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.
 2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacture catalog cuts and drawings, including section where required.
 3. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the site.
 6. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
6. Prohibitions
 1. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal plane is prohibited.
 2. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.
 7. Exemptions The following shall be exempt form the requirements of this Ordinance.
 1. Holiday lighting (October 1- February 1)~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1 - MARCH 1 YOUR CHOICE~~
 2. Traffic control signals and devices
 3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
 4. All hazard warning luminaries required by federal regulatory agencies are exempt form the requirements of this ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output required for the specific task.

8. Temporary Outdoor Lighting Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. The Planning Commission may permit Nonconforming temporary outdoor lighting after considering
 1. The public and /or private benefits that will result from the temporary lighting.
 2. Any annoyance or safety problems that result from the use of the temporary lighting
 3. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning Commission, which shall consider the request at duly called meeting of the planning commission. Prior notice of the meeting of the planning commission shall be given to the applicant. The planning Commission shall render its decision on the temporary lighting request within two weeks of the date of the meeting.

1. This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
2. All Luminaries lawfully in place prior to the date of this Ordinance shall be nonconforming. However, any luminaries that replace nonconforming ~~159~~ luminaries, or any nonconforming luminaries that is moved, must meet the standard of this ordinance. Advertising signs that are nonconforming only for a period of ten years, as specified in AVLU 10.26.040 C,3
3. ~~This ordinance does not recognize permanent nonconforming lights.~~ All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be nonconforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit and/or fixture replacement. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
4. Nonconforming luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclist shall be either shielded or redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.

1. Submission Content: The applicant for any permit required by any provision of the laws of this jurisdiction in connection with the proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with the Ordinance. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the law of this jurisdiction upon application for the required permit.
 1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
 2. Description of the illuminating devices, fixtures, lamp supports, reflectors, and other devices. Submission may include catalog cuts by manufacture and drawing.
 3. Photo data, such as the eat furnished by manufacturers rs, or similar data showing the angle of cut off or light emissions.
2. Additional Submission: The above required plans; descriptions and data shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall ~~160~~ additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.
3. Subdivision Plat Certification: If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying compliance with the applicable provisions of the Town of Apple Valley Outdoor Lighting Ordinance.

4. **Lamp or Fixture Substitution:** Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

If after investigation, the Code Enforcement Officer finds that any provision of the ordinance is being violated, the office may elect to file notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/ or the occupant of such premises demanding the violation be abated within thirty (30) days from the date of hand delivery or date of mailing notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and proceeding, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

For the purpose of this Ordinance, terms used shall be defined as follows:

Direct Light: Light emitted directly from the lamp, off the reflector diffuser, or through the refractor or diffuser lens of the luminaries.

Direct Glare: The visual discomfort resulting from insufficiently shielded light source.

Fixture: The assembly that houses the lamp or lamps can include all or some of the following parts: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, and / or a refractor lens.

Flood or spotlight: Any fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully Shielded Lights: Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Nonconforming Luminaire: Luminaire not conforming to this ordinance that were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting do no need to be changed unless a specified time period is provided for adherence to the ordinance.

Height of Luminaries: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off other surfaces.

Lamp: The component of the luminaire that produces the actual light.

Light Trespass: Limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines. (This specification will allow the controlled placement of lighting poles and luminaire adjacent to the property lines).

Lumen: A unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this Ordinance the lumen-output value shall be the INITIAL lumen output rating of a lamp.

Luminaire: a complete lighting system, including a lamp or lamps and fixture.

Outdoors Electrically Powered Illuminating Devices: ~~Huminaires~~Luminaries utilizing AC and / or DC power.

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. ~~the nighttime illumination of a outside area or object by any~~

~~handmade device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.~~

Outdoor lighting at night benefits everyone. It increases safety, enhances the Town's nighttime character, and helps provide security, as well as energy efficiency. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass and pollute the night sky, and higher energy use which in turn may cause safety problems and increased cost for everyone. There is a need for a lighting ordinance that recognizes the benefit of the outdoors lighting and provides clear guidelines for its installation to maintain and complement the Town's character. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the town.

1. All exterior outdoor lighting installed after the effective date of this ordinance in any and all zones in the town shall conform to the requirements established by this Ordinance and other applicable ordinances unless otherwise exempted. This Ordinance does not apply to indoor lighting.
2. Law governing conflicts. Should this ordinance be found to be in conflict with any provisions of Federal, State, County, or Town statutes, codes, or other sections of the Town Ordinances, the more restrictive shall govern unless otherwise required by law.

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of the Apple Valley Town Ordinances, including but not limited to the Building Code, the Electrical Code and the Sign Code under appropriate permit and inspection.

All public and private outdoor lighting installed in the Town of Apple Valley shall be in conformance with the requirements established by this Ordinance. Including Parking lots and Single Family Homes, All previous language in the Apple Valley Town Codes regarding outdoor lighting is replaced with this Ordinance.

1. Control of Glare / Design Factors
 1. Any luminaries with a lamp rated at a total of MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part or the luminaries.
 2. Any luminaries with a lamp or lamps rate at a total MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet.
2. Exceptions to Control of Glare
 1. Any luminaries with a lamp or lamps rated at a total of ~~1800~~1200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated ~~900~~600 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaries to be directed toward residential buildings or adjacent or nearby land, or creates glare perceptible to persons operating motor vehicles on public right of ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.
 2. Luminaries used for public roadway illumination may be installed at a maximum height of 34 feet and may be positioned at that height up to the edge of any bordering property.

3. Luminaries used primarily for sign illumination and property illumination may be mounted at any height to a maximum of 25 feet, regardless of the lumen rating.
3. Outdoor Advertising
 1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of subsection B,1 Bottom-mounted outdoor advertising sign lighting shall not be used.
 2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated for within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to maximize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.
 3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this ordinance when it becomes necessary to make major repairs (NEW PERMIT) to the signage or within 10 years from date of this provision.
4. Recreational Facilities
 1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), Such as but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
 1. All fixtures used for ~~the~~ event lighting shall be fully shielded as defined in subsection ~~B~~A,1 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare. Pole height will not exceed 25 feet.
 2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.
5. Parking Area Lighting Low pressure or high pressure sodium light sources are the only allowed light source for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off site by using cut off Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.
 1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the Maximum allowed.
 2. Pole Height / ~~Wattage~~ / Design. Luminaries mounting height must be measured from the Parking Lot or Driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Commission. The maximum height shall only be allowed at the review and approval with specific findings. The determination shall be based on:
 1. review of the Site plan,
 2. proposed land uses,
 3. surrounding land uses,
 4. Parking area size,
 5. Building mass,
 6. Location of the site with respect to other lighting sources,
 7. Impact on the adjacent properties,
 8. Topography of the site, and
 9. Other site features. Light poles higher than sixteen feet (16') are appropriate only for parking areas exceeding two hundred (200) stalls and not in close Proximity to residential areas.
 3. Parking Area Wattage / Design Standard.

1. Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.
2. Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.
3. All attempts shall be made to place the base of light poles within landscaped areas.
4. Underground Parking Garage entryways. Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.
5. Submission Requirements. An application for Development with off street parking must contain the following.
 1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.
 2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacture catalog cuts and drawings, including section where required.
 3. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the site.
6. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
6. Prohibitions
 1. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal plane is prohibited.
 2. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.
7. Exemptions The following shall be exempt form the requirements of this Ordinance.
 1. Holiday lighting ~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1- MARCH 1 YOUR CHOICE~~ October 1st-February 1st
 2. Traffic control signals and devices
 3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
 4. All hazard warning luminaries required by federal regulatory agencies are exempt form the requirements of this ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output required for the specific task.
8. Temporary Outdoor Lighting Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. The Planning Commission may permit Nonconforming temporary outdoor lighting after considering
 1. The public and /or private benefits that will result from the temporary lighting.
 2. Any annoyance or safety problems that result from the use of the temporary lighting
 3. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning Commission, which shall consider the request at duly called meeting of the planning commission. Prior notice of the meeting of the planning commission shall be given to the applicant. The planning Commission shall

render its decision on the temporary lighting request within two weeks of the date of the meeting.

1. This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
 2. All Luminaries lawfully in place prior to the date of this Ordinance shall be nonconforming. However, any luminaries that replace nonconforming ~~159~~ luminaries, or any nonconforming luminaries that is moved, must meet the standard of this ordinance. Advertising signs that are nonconforming only for a period of ten years, as specified in AVLU 10.26.040 C,3
 3. ~~This ordinance does not recognize permanent nonconforming lights.~~ All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be nonconforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit and/or fixture replacement. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
 4. Nonconforming luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclist shall be either shielded or redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.
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1. Submission Content: The applicant for any permit required by any provision of the laws of this jurisdiction in connection with the proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with the Ordinance. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the law of this jurisdiction upon application for the required permit.
 1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
 2. Description of the illuminating devices, fixtures, lamp supports, reflectors, and other devices. Submission may include catalog cuts by manufacturer and drawing.
 3. Photo data, such as that furnished by manufacturer s, or similar data showing the angle of cut off or light emissions.
 2. Additional Submission: The above required plans; descriptions and data shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall ~~160~~ additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.
 3. Subdivision Plat Certification: If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying compliance with the applicable provisions of the Town of Apple Valley Outdoor Lighting Ordinance.
 4. Lamp or Fixture Substitution: Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

If after investigation, the Code Enforcement Officer finds that any provision of the ordinance is being violated, the office may elect to file notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/ or the occupant of such premises demanding the violation be abated within thirty (30) days from the date of hand delivery or date of mailing notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and

proceeding, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

For the purpose of this Ordinance, terms used shall be defined as follows:

Direct Light: Light emitted directly from the lamp, off the reflector diffuser, or through the refractor or diffuser lens of the luminaries.

Direct Glare: The visual discomfort resulting from insufficiently shielded light source.

Fixture: The assembly that houses the lamp or lamps can include all or some of the following parts: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, and / or a refractor lens.

Flood or spotlight: Any fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully Shielded Lights: Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Nonconforming Luminaire: Luminaire not conforming to this ordinance that were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting doe no need to be changed unless a specified time period is provided for adherence to the ordinance.

Height of Luminaries: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off other surfaces.

Lamp: The component of the luminaire that produces the actual light.

Light Trespass: Limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines. (This specification will allow the controlled placement of lighting poles and luminaire adjacent to the property lines).

Lumen: A unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this Ordinance the lumen-output value shall be the INITIAL lumen output rating of a lamp.

Luminaire: a complete lighting system, including a lamp or lamps and fixture.

Outdoors Electrically Powered Illuminating Devices: Illuminaires utilizing AC and / or DC power.

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.~~the nighttime illumination of a outside area or object by any handmade device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.~~

Outdoor lighting at night benefits everyone. It increases safety, enhances the Town’s nighttime character, and helps provide security, as well as energy efficiency. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass and pollute the night sky, and higher energy use which in turn may cause safety problems and increased cost for everyone. There is a need for a lighting ordinance that recognizes the benefit of the outdoors lighting and provides clear guidelines for its installation to maintain and complement the Town’s character. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the town.

1. All exterior outdoor lighting installed after the effective date of this ordinance in any and all zones in the town shall conform to the requirements established by this Ordinance and other applicable ordinances unless otherwise exempted. This Ordinance does not apply to indoor lighting.
2. Law governing conflicts. Should this ordinance be found to be in conflict with any provisions of Federal, State, County, or Town statutes, codes, or other sections of the Town Ordinances, the more restrictive shall govern unless otherwise required by law.

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of the Apple Valley Town Ordinances, including but not limited to the Building Code, the Electrical Code and the Sign Code under appropriate permit and inspection.

All public and private outdoor lighting installed in the Town of Apple Valley shall be in conformance with the requirements established by this Ordinance. Including Parking lots and Single Family Homes, All previous language in the Apple Valley Town Codes regarding outdoor lighting is replaced with this Ordinance.

1. Control of Glare / Design Factors

1. Any luminaries with a lamp rated at a total of MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part or the luminaries.
2. Any luminaries with a lamp or lamps rate at a total MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet.

2. Exceptions to Control of Glare

1. Any luminaries with a lamp or lamps rated at a total of ~~1800~~1200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated ~~900~~600 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaries to be directed toward residential buildings or adjacent or nearby land, or creates glare perceptible to persons operating motor vehicles on public right of ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.
2. Luminaries used for public roadway illumination may be installed at a maximum height of 34 feet and may be positioned at that height up to the edge of any bordering property.
3. Luminaries used primarily for sign illumination and property illumination may be mounted at any height to a maximum of 25 feet, regardless of the lumen rating.

3. Outdoor Advertising

1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of subsection B,1 Bottom-mounted outdoor advertising sign lighting shall not be used.
2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated for within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to maximize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less that 41 watts.
3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this ordinance when it becomes necessary to make major repairs (NEW PERMIT) to the signage or within 10 years from date of this provision.

4. Recreational Facilities

1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), Such as but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:

1. All fixtures used for ~~the~~ event lighting shall be fully shielded as defined in subsection ~~B~~A,1 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare. Pole height will not exceed 25 feet.
2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

5. Parking Area Lighting Low pressure or high pressure sodium light sources are the only allowed light source for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off site by using cut off Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.

1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the Maximum allowed.
2. Pole Height / ~~Wattage~~ / Design. Luminaries mounting height must be measured from the Parking Lot or Driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Commission. The maximum height shall only be allowed at the review and approval with specific findings. The determination shall be based on:
 1. review of the Site plan,
 2. proposed land uses,
 3. surrounding land uses,
 4. Parking area size,
 5. Building mass,
 6. Location of the site with respect to other lighting sources,
 7. Impact on the adjacent properties,
 8. Topography of the site, and
 9. Other site features. Light poles higher than sixteen feet (16') are appropriate only for parking areas exceeding two hundred (200) stalls and not in close Proximity to residential areas.
3. Parking Area Wattage / Design Standard.
 1. Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.
 2. Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.
 3. All attempts shall be made to place the base of light poles within landscaped areas.
4. Underground Parking Garage entryways. Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.
5. Submission Requirements. An application for Development with off street parking must contain the following.
 1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.

2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacture catalog cuts and drawings, including section where required.
3. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the site.
6. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
6. Prohibitions
 1. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal plane is prohibited.
 2. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.
7. Exemptions The following shall be exempt form the requirements of this Ordinance.
 1. Holiday lighting ~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1- MARCH 1 YOUR CHOICE~~ October 1st-February 1st
 2. Traffic control signals and devices
 3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
 4. All hazard warning luminaries required by federal regulatory agencies are exempt form the requirements of this ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output required for the specific task.
8. Temporary Outdoor Lighting Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. The Planning Commission may permit Nonconforming temporary outdoor lighting after considering
 1. The public and /or private benefits that will result from the temporary lighting.
 2. Any annoyance or safety problems that result from the use of the temporary lighting
 3. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning Commission, which shall consider the request at duly called meeting of the planning commission. Prior notice of the meeting of the planning commission shall be given to the applicant. The planning Commission shall render its decision on the temporary lighting request within two weeks of the date of the meeting.

1. This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
2. All Luminaries lawfully in place prior to the date of this Ordinance shall be nonconforming. However, any luminaries that replace nonconforming ~~159~~ luminaries, or any nonconforming luminaries that is moved, must meet the standard of this ordinance. Advertising signs that are nonconforming only for a period of ten years, as specified in AVLU 10.26.040 C,3
3. ~~This ordinance does not recognizes permanent nonconforming lights.~~ All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with

any exterior building permit and/or fixture replacement. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.

4. Nonconforming luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclist shall be either shielded or redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.

1. Submission Content: The applicant for any permit required by any provision of the laws of this jurisdiction in connection with the proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with the Ordinance. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the law of this jurisdiction upon application for the required permit.
 1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
 2. Description of the illuminating devices, fixtures, lamp supports, reflectors, and other devices. Submission may include catalog cuts by manufacturer and drawing.
 3. Photo data, such as ~~that~~ furnished by manufacturers, or similar data showing the angle of cut off or light emissions.
2. Additional Submission: The above required plans; descriptions and data shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall ~~also~~ additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.
3. Subdivision Plat Certification: If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying compliance with the applicable provisions of the Town of Apple Valley Outdoor Lighting Ordinance.
4. Lamp or Fixture Substitution: Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

If after investigation, the Code Enforcement Officer finds that any provision of the ordinance is being violated, the office may elect to file notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/ or the occupant of such premises demanding the violation be abated within thirty (30) days from the date of hand delivery or date of mailing notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and proceeding, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

For the purpose of this Ordinance, terms used shall be defined as follows:

Direct Light: Light emitted directly from the lamp, off the reflector diffuser, or through the refractor or diffuser lens of the luminaries.

Direct Glare: The visual discomfort resulting from insufficiently shielded light source.

Fixture: The assembly that houses the lamp or lamps can include all or some of the following parts: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, and / or a refractor lens.

Flood or spotlight: Any fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully Shielded Lights: Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Nonconforming Luminaire: Luminaire not conforming to this ordinance that were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting does not need to be changed unless a specified time period is provided for adherence to the ordinance.

Height of Luminaries: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off other surfaces.

Lamp: The component of the luminaire that produces the actual light.

Light Trespass: Limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines. (This specification will allow the controlled placement of lighting poles and luminaire adjacent to the property lines).

Lumen: A unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this Ordinance the lumen-output value shall be the INITIAL lumen output rating of a lamp.

Luminaire: a complete lighting system, including a lamp or lamps and fixture.

Outdoors Electrically Powered Illuminating Devices: Illuminaries utilizing AC and / or DC power.

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. ~~the nighttime illumination of a outside area or object by any handmade device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.~~

Outdoor lighting at night benefits everyone. It increases safety, enhances the Town’s nighttime character, and helps provide security, as well as energy efficiency. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass and pollute the night sky, and higher energy use which in turn may cause safety problems and increased cost for everyone. There is a need for a lighting ordinance that recognizes the benefit of the outdoors lighting and provides clear guidelines for its installation to maintain and complement the Town’s character. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the town.

1. All exterior outdoor lighting installed after the effective date of this ordinance in any and all zones in the town shall conform to the requirements established by this Ordinance and other applicable ordinances unless otherwise exempted. This Ordinance does not apply to indoor lighting.
2. Law governing conflicts. Should this ordinance be found to be in conflict with any provisions of Federal, State, County, or Town statutes, codes, or other sections of the Town Ordinances, the more restrictive shall govern unless otherwise required by law.

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of the Apple Valley Town Ordinances, including but not limited to the Building Code, the Electrical Code and the Sign Code under appropriate permit and inspection.

All public and private outdoor lighting installed in the Town of Apple Valley shall be in conformance with the requirements established by this Ordinance. Including Parking lots and Single Family Homes,

All previous language in the Apple Valley Town Codes regarding outdoor lighting is replaced with this Ordinance.

1. Control of Glare / Design Factors

1. Any luminaries with a lamp rated at a total of MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part or the luminaries.
2. Any luminaries with a lamp or lamps rate at a total MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet.

2. Exceptions to Control of Glare

1. Any luminaries with a lamp or lamps rated at a total of ~~1800~~1200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated ~~900~~600 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaries to be directed toward residential buildings or adjacent or nearby land, or creates glare perceptible to persons operating motor vehicles on public right of ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.
2. Luminaries used for public roadway illumination may be installed at a maximum height of 34 feet and may be positioned at that height up to the edge of any bordering property.
3. Luminaries used primarily for sign illumination and property illumination may be mounted at any height to a maximum of 25 feet, regardless of the lumen rating.

3. Outdoor Advertising

1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of subsection B,1 Bottom-mounted outdoor advertising sign lighting shall not be used.
2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated for within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to maximize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less that 41 watts.
3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this ordinance when it becomes necessary to make major repairs (NEW PERMIT) to the signage or within 10 years from date of this provision.

4. Recreational Facilities

1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), Such as but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
 1. All fixtures used for ~~the~~ event lighting shall be fully shielded as defined in subsection ~~B~~A,1 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare. Pole height will not exceed 25 feet.
 2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

5. Parking Area Lighting Low pressure or high pressure sodium light sources are the only allowed light source for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off site by using cut off Luminaires that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.
 1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the Maximum allowed.
 2. Pole Height / ~~Wattage~~ Design. Luminaires mounting height must be measured from the Parking Lot or Driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Commission. The maximum height shall only be allowed at the review and approval with specific findings. The determination shall be based on:
 1. review of the Site plan,
 2. proposed land uses,
 3. surrounding land uses,
 4. Parking area size,
 5. Building mass,
 6. Location of the site with respect to other lighting sources,
 7. Impact on the adjacent properties,
 8. Topography of the site, and
 9. Other site features. Light poles higher than sixteen feet (16') are appropriate only for parking areas exceeding two hundred (200) stalls and not in close Proximity to residential areas.
 3. Parking Area Wattage / Design Standard.
 1. Luminaires for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.
 2. Luminaires for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.
 3. All attempts shall be made to place the base of light poles within landscaped areas.
 4. Underground Parking Garage entryways. Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.
 5. Submission Requirements. An application for Development with off street parking must contain the following.
 1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.
 2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacture catalog cuts and drawings, including section where required.
 3. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the site.
 6. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
6. Prohibitions

1. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal plane is prohibited.
2. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.
7. Exemptions The following shall be exempt form the requirements of this Ordinance.
 1. Holiday lighting ~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1- MARCH 1 YOUR CHOICE~~ October 1st-February 1st
 2. Traffic control signals and devices
 3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
 4. All hazard warning luminaries required by federal regulatory agencies are exempt form the requirements of this ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output required for the specific task.
8. Temporary Outdoor Lighting Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. The Planning Commission may permit Nonconforming temporary outdoor lighting after considering
 1. The public and /or private benefits that will result from the temporary lighting.
 2. Any annoyance or safety problems that result from the use of the temporary lighting
 3. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning Commission, which shall consider the request at duly called meeting of the planning commission. Prior notice of the meeting of the planning commission shall be given to the applicant. The planning Commission shall render its decision on the temporary lighting request within two weeks of the date of the meeting.

1. This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
 2. All Luminaries lawfully in place prior to the date of this Ordinance shall be nonconforming. However, any luminaries that replace nonconforming ~~159-~~luminaries, or any nonconforming luminaries that is moved, must meet the standard of this ordinance. Advertising signs that are nonconforming only for a period of ten years, as specified in AVLU 10.26.040 C,3
 3. ~~This ordinance does not recognizes permanent nonconforming lights.~~ All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be nonconforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit and/or fixture replacement. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
 4. Nonconforming luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclist shall be either shielded or redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.
1. Submission Content: The applicant for any permit required by any provision of the laws of this jurisdiction in connection with the proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with the Ordinance. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the law of this jurisdiction upon application for the required permit.

1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
 2. Description of the illuminating devices, fixtures, lamp supports, reflectors, and other devices. Submission may include catalog cuts by manufacturer and drawing.
 3. Photo data, such as ~~that~~ furnished by manufacturers, or similar data showing the angle of cut off or light emissions.
2. Additional Submission: The above required plans; descriptions and data shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall ~~160~~ additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.
 3. Subdivision Plat Certification: If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying compliance with the applicable provisions of the Town of Apple Valley Outdoor Lighting Ordinance.
 4. Lamp or Fixture Substitution: Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

If after investigation, the Code Enforcement Officer finds that any provision of the ordinance is being violated, the office may elect to file notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/ or the occupant of such premises demanding the violation be abated within thirty (30) days from the date of hand delivery or date of mailing notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and proceeding, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

For the purpose of this Ordinance, terms used shall be defined as follows:

Direct Light: Light emitted directly from the lamp, off the reflector diffuser, or through the refractor or diffuser lens of the luminaries.

Direct Glare: The visual discomfort resulting from insufficiently shielded light source.

Fixture: The assembly that houses the lamp or lamps can include all or some of the following parts: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, and / or a refractor lens.

Flood or spotlight: Any fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully Shielded Lights: Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Nonconforming Luminaire: Luminaire not conforming to this ordinance that were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting does not need to be changed unless a specified time period is provided for adherence to the ordinance.

Height of Luminaries: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off other surfaces.

Lamp: The component of the luminaire that produces the actual light.

Light Trespass: Limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines. (This specification will allow the controlled placement of lighting poles and luminaire adjacent to the property lines).

Lumen: A unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this Ordinance the lumen-output value shall be the INITIAL lumen output rating of a lamp.

Luminaire: a complete lighting system, including a lamp or lamps and fixture.

Outdoors Electrically Powered Illuminating Devices: Illuminaires utilizing AC and / or DC power.

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. ~~the nighttime illumination of a outside area or object by any handmade device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.~~

10.26.010 Purpose

Outdoor lighting at night benefits everyone. It increases safety, enhances the Town's nighttime character, and helps provide security, as well as energy efficiency. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass and pollute the night sky, and higher energy use which in turn may cause safety problems and increased cost for everyone. There is a need for a lighting ordinance that recognizes the benefit of the outdoors lighting and provides clear guidelines for its installation to maintain and complement the Town's character. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the town.

HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

10.26.020 Scope And Applicability

1. All exterior outdoor lighting installed after the effective date of this ordinance in any and all zones in the town shall conform to the requirements established by this Ordinance and other applicable ordinances unless otherwise exempted. This Ordinance does not apply to indoor lighting.
2. Law governing conflicts. Should this ordinance be found to be in conflict with any provisions of Federal, State, County, or Town statutes, codes, or other sections of the Town Ordinances, the more restrictive shall govern unless otherwise required by law.

HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

10.26.030 Conformances With Applicable Codes

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of the Apple Valley Town Ordinances, including but not limited to the Building Code, the Electrical Code and the Sign Code under appropriate permit and inspection.

HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

10.26.040 Regulations

All public and private outdoor lighting installed in the Town of Apple Valley shall be in conformance with the requirements established by this Ordinance. Including Parking lots and Single Family Homes, All previous language in the Apple Valley Town Codes regarding outdoor lighting is replaced with this Ordinance.

1. Control of Glare / Design Factors

1. Any luminaries with a lamp rated at a total of MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part or the luminaries.
2. Any luminaries with a lamp or lamps rate at a total MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet.

2. Exceptions to Control of Glare

1. Any luminaries with a lamp or lamps rated at a total of ~~1800~~1200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated ~~900~~600 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaries to be directed toward residential buildings or adjacent or nearby land, or creates glare perceptible to persons operating motor vehicles on public right of ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.
2. Luminaries used for public roadway illumination may be installed at a maximum height of 34 feet and may be positioned at that height up to the edge of any bordering property.
3. Luminaries used primarily for sign illumination and property illumination may be mounted at any height to a maximum of 25 feet, regardless of the lumen rating.

3. Outdoor Advertising

1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of subsection B,1 Bottom-mounted outdoor advertising sign lighting shall not be used.
2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated for within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to maximize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less that 41 watts.
3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this ordinance when it becomes necessary to make major repairs (NEW PERMIT) to the signage or within 10 years from date of this provision.

4. Recreational Facilities

1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), Such as but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
 1. All fixtures used for ~~the~~ event lighting shall be fully shielded as defined in subsection ~~B~~A,1 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare. Pole height will not exceed 25 feet.
 2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. Except to conclude a

scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

5. Parking Area Lighting Low pressure or high pressure sodium light sources are the only allowed light source for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off site by using cut off Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.
 1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the Maximum allowed.
 2. Pole Height / ~~Wattage~~ Design. Luminaries mounting height must be measured from the Parking Lot or Driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Commission. The maximum height shall only be allowed at the review and approval with specific findings. The determination shall be based on:
 1. review of the Site plan,
 2. proposed land uses,
 3. surrounding land uses,
 4. Parking area size,
 5. Building mass,
 6. Location of the site with respect to other lighting sources,
 7. Impact on the adjacent properties,
 8. Topography of the site, and
 9. Other site features. Light poles higher than sixteen feet (16') are appropriate only for parking areas exceeding two hundred (200) stalls and not in close Proximity to residential areas.
 3. Parking Area Wattage / Design Standard.
 1. Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.
 2. Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.
 3. All attempts shall be made to place the base of light poles within landscaped areas.
 4. Underground Parking Garage entryways. Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.
 5. Submission Requirements. An application for Development with off street parking must contain the following.
 1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.
 2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacture catalog cuts and drawings, including section where required.
 3. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the site.
 6. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
6. Prohibitions

1. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal plane is prohibited.
2. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.
7. Exemptions The following shall be exempt from the requirements of this Ordinance.
 1. Holiday lighting ~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1- MARCH 1 YOUR CHOICE~~ October 1st-February 1st
 2. Traffic control signals and devices
 3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
 4. All hazard warning luminaries required by federal regulatory agencies are exempt from the requirements of this ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output required for the specific task.
8. Temporary Outdoor Lighting Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. The Planning Commission may permit Nonconforming temporary outdoor lighting after considering
 1. The public and /or private benefits that will result from the temporary lighting.
 2. Any annoyance or safety problems that result from the use of the temporary lighting
 3. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning Commission, which shall consider the request at duly called meeting of the planning commission. Prior notice of the meeting of the planning commission shall be given to the applicant. The planning Commission shall render its decision on the temporary lighting request within two weeks of the date of the meeting.

HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

10.26.050 Effective Date And Nonconforming Luminaries Edit

1. This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
2. All Luminaries lawfully in place prior to the date of this Ordinance shall be nonconforming. However, any luminaries that replace nonconforming ~~159~~-luminaries, or any nonconforming luminaries that is moved, must meet the standard of this ordinance. Advertising signs that are nonconforming only for a period of ten years, as specified in AVLU 10.26.040 C,3
3. ~~This ordinance does not recognizes permanent nonconforming lights.~~ All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be nonconforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit and/or fixture replacement. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
4. Nonconforming luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclist shall be either shielded or redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.

HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

10.26.060 New Subdivision Constructions Edit

1. Submission Content: The applicant for any permit required by any provision of the laws of this jurisdiction in connection with the proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with the Ordinance. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the law of this jurisdiction upon application for the required permit.
 1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
 2. Description of the illuminating devices, fixtures, lamp supports, reflectors, and other devices. Submission may include catalog cuts by manufacturer and drawing.
 3. Photo data, such as that furnished by manufacturers, or similar data showing the angle of cut off or light emissions.
2. Additional Submission: The above required plans; descriptions and data shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall ~~160~~ additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.
3. Subdivision Plat Certification: If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying compliance with the applicable provisions of the Town of Apple Valley Outdoor Lighting Ordinance.
4. Lamp or Fixture Substitution: Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

10.26.070 Violations And Legal Action Edit

If after investigation, the Code Enforcement Officer finds that any provision of the ordinance is being violated, the office may elect to file notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/ or the occupant of such premises demanding the violation be abated within thirty (30) days from the date of hand delivery or date of mailing notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and proceeding, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

10.26.080 Definitions Edit

For the purpose of this Ordinance, terms used shall be defined as follows:

Direct Light: Light emitted directly from the lamp, off the reflector diffuser, or through the refractor or diffuser lens of the luminaries.

Direct Glare: The visual discomfort resulting from insufficiently shielded light source.

Fixture: The assembly that houses the lamp or lamps can include all or some of the following parts: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, and / or a refractor lens.

Flood or spotlight: Any fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully Shielded Lights: Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Nonconforming Luminaire: Luminaire not conforming to this ordinance that were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting does not need to be changed unless a specified time period is provided for adherence to the ordinance.

Height of Luminaries: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off other surfaces.

Lamp: The component of the luminaire that produces the actual light.

Light Trespass: Limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines. (This specification will allow the controlled placement of lighting poles and luminaires adjacent to the property lines).

Lumen: A unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this Ordinance the lumen-output value shall be the INITIAL lumen output rating of a lamp.

Luminaire: a complete lighting system, including a lamp or lamps and fixture.

Outdoors Electrically Powered Illuminating Devices: Luminaires utilizing AC and / or DC power.

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. ~~the nighttime illumination of a outside area or object by any handmade device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.~~

10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones Edit

The location or storage of mobile homes, travel trailers, recreational vehicles, boats, camping trailers and truck campers, and other recreational vehicles and equipment ~~owned by the property owner~~, may be parked, subject to the following:

1. Recreational vehicles, including boats, travel trailers, motor homes, horse trailers and similar vehicles kept in reasonable repair and operable condition, may be located in a detached or attached garage, or other accessory building, or parked in the rear yard or side yard and screened from front yards and streets by a wall, fence, gate, landscaping or other suitable screening material.
2. A mobile home, travel trailer, recreational vehicle, boat, camping trailer or truck camper may be located in the front yard for the purposes of loading and unloading for a period not to exceed forty eight (48) hours.
3. A properly placed recreational vehicle may be occupied temporarily by family members or guests of the owner. However, no boat, trailer, motor home, travel trailer or similar recreational vehicle shall be occupied for a period greater than ~~30one hundred twenty (120)~~ days. Renewable on-line at the town website.

OPENING

Chairperson Browning brought the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

ROLL CALL/PRESENT

Chairperson Browning
Commissioner Prentice
Commissioner Jorgensen
Commissioner Kuehne
Commissioner Fralish

Town Recorder Michelle Kinney

DISCUSSION ITEMS:

A. Land Use Code 10.28.230 “Accessory Buildings and Accessory Uses General Requirements”

The smaller size containers are less than 200 square feet so, perhaps they should be allowed if painted to match the house. Anything larger would require a building permit. Perhaps have a limit on the number of containers allowed on each lot.

Rich Ososki would like to have the code specify the area in which these may be placed on the lot.

Richard Kopp asks if grandfathering with a shipping container would apply when the original owner sales the property and a new owner moves in.

The Commission would like to have a public hearing on this code in one month on September 25th. They will have a proposal ready at that time.

B. Town Code 10.26 “Outdoor Lighting”

Commissioner Prentice would like to adopt this.

Rich Kopp asks what this says about spotlights. Commission answers that everything must be downward facing.

They would like a chart to indicate the amount of lumens. They discuss the model lighting ordinance as the new lighting ordinance or mixing that into the current code. They would like to schedule the hearing for the same day as the accessory building hearing.

Commissioner Prentice likes the 3 foot light poles.

The building permit process that is being revised will require that they show the lighting to be used on the exterior of the building.

They would like this emailed to the commission in google docs for editing.

C. Town Code 10.28.100 “Parking Requirements of Private Recreational Vehicles in Residential Zones”

Commissioner Prentice would like to have a section “D” added that requires anyone staying in an RV requires a permit. The permit is valid for 30 days, after the initial 30 day term the permit will need to be renewed. There is a maximum of 2 permits per year (sixty days) to stay in an RV on homeowner’s property. The permit should be available online. The RV must be parked on the side or rear of the property. They would also like to add a fee for the permit. Commissioner Prentice makes the comment that she would like the office to keep track of who is staying in town in an RV.

The Commission would like to add this item to the September 25th hearings.

Question asked about commercial vehicles such as commercial tractor trailer on the road. We may need another section for this.

Chairman Browning says “We shouldn’t be ruled by the exceptions to the rule instead of the rule itself.”

D. General Plan Legend and Definitions

High density should be classified as under one acre

One to 4.99 acres should be considered medium density

5+acres should be considered low density

Change R-PUD to PD

The Mayor suggests that we make the high density lots smaller than .90 or .85.

Chairperson Browning mentions this item isn’t ready for public hearing.

Commissioner Kuehne mentions that Multi-family may need to be added to this legend at some point.

ADJOURNMENT

MOTION: Commissioner Prentice moves to adjourn

SECOND: Commissioner Jorgensen

VOTE: Chairperson called for a vote:

Chairperson Browning Aye

Commissioner Janet Prentice Aye

Commissioner Jorgensen Aye

Commissioner Kuehne Aye

Commissioner Fralish Aye

The vote was unanimous and the motion carried

Meeting adjourned at 6:59 pm.

Date approved: _____

Chairperson Browning

ATTEST BY: _____
Michelle Kinney, Recorder

OPENING

Chairperson Browning brought the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

ROLL CALL/PRESENT

Chairperson Browning
Commissioner Prentice
Commissioner Jorgensen
Commissioner Kuehne
Commissioner Fralish

Town Recorder Michelle Kinney

DISCUSSION ITEMS:

A. Land Use Code 10.28.230 “Accessory Buildings and Accessory Uses General Requirements”

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The Commission would like to have a public hearing on this code in one month on September 25th. They will have a proposal ready at that time.

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Commissioner Prentice likes the 3 foot light poles.

The building permit process that is being revised will require that they show the lighting to be used on the exterior of the building.

They would like this emailed to the commission in google docs for editing.

C. Town Code 10.28.100 “Parking Requirements of Private Recreational Vehicles in Residential Zones”

Commissioner Prentice would like to have a section “D” added that requires anyone staying in an RV requires a permit. The permit is valid for 30 days, after the initial 30 day term the permit will need to be renewed. There is a maximum of 2 permits per year (sixty days) to stay in an RV on homeowner’s property. The permit should be available online. The RV must be parked on the side or rear of the property. They would also like to add a fee for the permit. Commissioner Prentice makes the comment that she would like the office to keep track of who is staying in town in an RV.

The Commission would like to add this item to the September 25th hearings.

Question asked about commercial vehicles such as commercial tractor trailer on the road. We may need another section for this.

Chairman Browning says “We shouldn’t be ruled by the exceptions to the rule instead of the rule itself.”

D. General Plan Legend and Definitions

High density should be classified as under one acre

One to 4.99 acres should be considered medium density

5+acres should be considered low density

Change R-PUD to PD

The Mayor suggests that we make the high density lots smaller than .90 or .85.

Chairperson Browning mentions this item isn’t ready for public hearing.

Commissioner Kuehne mentions that Multi-family may need to be added to this legend at some point.

ADJOURNMENT

MOTION: Commissioner Prentice moves to adjourn

SECOND: Commissioner Jorgensen

VOTE: Chairperson called for a vote:

Chairperson Browning Aye

Commissioner Janet Prentice Aye

Commissioner Jorgensen Aye

Commissioner Kuehne Aye

Commissioner Fralish Aye

The vote was unanimous and the motion carried

Meeting adjourned at 6:59 pm.

Date approved: _____

Chairperson Browning

ATTEST BY: _____
Michelle Kinney, Recorder