



STAFF REPORT

To: Eastern Summit County Planning Commission
From: Ray Milliner, County Planner
Date of Meeting: October 4, 2018
Type of Item: Code Amendment – Public Hearing Possible Action
Process: Legislative

RECOMMENDATION: Staff recommends that the Eastern Summit County Planning Commission review the proposal to amend Chapter 11-6 of the Eastern Summit County Development Code, conduct a public hearing and forward a positive recommendation to the Summit County Council.

Background

On June 7, 2018 the Eastern Summit County Planning Commission conducted a work session to discuss the likelihood of creating lighting regulations in Eastern Summit County. Commissioners reviewed an ordinance from another jurisdiction and directed staff to create language specific for Eastern Summit County. Staff has done so and is now requesting that the Commission review the language and conduct a public hearing.

Analysis

Section 11-5-3 of the Eastern Summit County Development Code establishes a process for amendments to the text of the Code, it states that whenever an amendment to the Code is initiated, it must be reviewed by the Planning Commission who will deliver a recommendation to the County Council. The County Council, after holding a public hearing, can approve, approve with modifications or deny the amendment. There is no criterion.

The Eastern Summit County General Plan has specific goals related to future amendments.

Goal 2.1. g States:

“Enact ordinances, resolutions, codes and other forms of land use controls to reduce nuisances and land use incompatibilities.”

Goal 2.1.i States:

“Create appropriate and predictable development procedures in the Development Code to ensure that all land use and development is adequately reviewed and determined to be consistent with the goals of this Plan before any approvals are granted.”

The proposed lighting regulations are designed specifically to prevent the degradation of the night sky (to ensure that people can still see the stars at night) as well as to prevent glare and light trespass onto neighboring properties. Further, regulations will encourage individuals to use lighting fixtures that are energy efficient, which will foster economic and environmental gains.

Recommendation

Staff recommends that the Eastern Summit County Planning Commission review the proposal to amend Chapter 11-6 of the Eastern Summit County Development Code, conduct a public hearing and forward a positive recommendation to the Summit County Council per the findings of fact and conclusions of law written below.

Findings of Fact

1. The goal of Chapter 2 of the Eastern Summit County General Plan is to develop land use codes which balance the diversity of desires of Eastern Summit County residents, including private property rights.
2. In furtherance of this goal, §11-1-1 of the Eastern Summit County Code provides that “The eastern Summit County general plan was developed to ensure that the rural, agricultural and small town character of the eastern portion of the county shall remain, even in the presence of growth and change. The intention of the county is to assure the managed, proper and sensitive development of land to protect and enhance these desired qualities and the lifestyle that exists.”
3. Uncontrolled lighting can create unwanted glare.
4. Uncontrolled lighting can disrupt the normal behavior wildlife, including migration and mating habits.
5. Uncontrolled lighting can trespass onto adjoining properties.
6. Lighting fixtures that use inefficient technology, are poorly targeted, or operate at unnecessary times waste energy.
7. Uncontrolled night lighting diminishes and obscures views of the natural night sky.
8. The proposed lighting regulations are designed to prevent the degradation of the night sky and to prevent glare and light trespass onto neighboring properties.
9. The proposed lighting regulations encourage individuals to use lighting fixtures that are energy efficient

Conclusions of Law:

1. The amendment is consistent with the goals, objectives, and policies of the General Plan.
2. The amendment is consistent with the requirements established in chapter 5 of the Eastern Summit County Development Code.
3. The proposed amendment is not detrimental to public health, safety and welfare.

Exhibits

Exhibit A. Proposed Ordinance

**SUMMIT COUNTY, UTAH
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE EASTERN SUMMIT COUNTY
DEVELOPMENT CODE SECTION 11-6: GENERAL REGULATIONS**

PREAMBLE

WHEREAS, Utah Code Annotated (“UCA”) §17-27a-102(b) provides that counties can enact all ordinances that they consider necessary or appropriate to govern, among other things, outdoor lighting; and,

WHEREAS, the goal of Chapter 2 of the Eastern Summit County General Plan is to develop land use codes which balance the diversity of desires of Eastern Summit County residents, including private property rights; and

WHEREAS, In furtherance of this goal, §11-1-1 of the Eastern Summit County Code provides that “The eastern Summit County general plan was developed to ensure that the rural, agricultural and small town character of the eastern portion of the county shall remain, even in the presence of growth and change. The intention of the county is to assure the managed, proper and sensitive development of land to protect and enhance these desired qualities and the lifestyle that exists.” and,

WHEREAS, uncontrolled lighting can create unwanted glare; and

WHEREAS, uncontrolled lighting can disrupt the normal behavior wildlife, including migration and mating habits; and

WHEREAS, uncontrolled lighting can trespass onto adjoining properties; and

WHEREAS, Lighting fixtures that use inefficient technology, are poorly targeted, or operate at unnecessary times waste energy; and

WHEREAS, the Eastern Summit County Planning Commission held a public hearing on October 4, 2018; and

WHEREAS, the Eastern Summit County Planning Commission recommended adoption of the amended sections of the Eastern Summit County Development Code on _____; and

WHEREAS, the Summit County Council held a public hearing on _____; and,

NOW, THEREFORE, the County Council of the County of Summit, State of Utah, ordains as follows:

Section 1. **EASTERN SUMMIT COUNTY DEVELOPMENT CODE** The Eastern Summit County Development Code is amended as depicted in Exhibit A.

Section 2. **Effective Date.** This Ordinance shall take effect immediately after publication.

Enacted this ___ day of _____, 2018.

ATTEST:

SUMMIT COUNTY COUNCIL

Kent Jones
Summit County Clerk

Kim Carson, Chair

APPROVED AS TO FORM

David L. Thomas
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

Councilmember Carson	_____
Councilmember Robinson	_____
Councilmember Wright	_____
Councilmember Armstrong	_____
Councilmember Clyde	_____

EXHIBIT A
PROPOSED AMENDMENTS TO CHAPTER 6

11-6 -20: LIGHTING REGULATIONS:

A. Purpose

The purpose of this Section is to:

1. To prevent the degradation of the nighttime visual environment by production of unsightly and dangerous glare;
2. To create lighting practices that promote the health and safety of Summit County's citizens and visitors;
3. To prevent unnecessary waste of energy and resources in the production of excessive light or wasted light;
4. To prevent interference in the use or enjoyment of property which is not intended to be illuminated at night and the loss of the scenic view of the night sky due to increased urban sky-glow.

B. Applicability

All exterior outdoor lighting installed after the effective date of this chapter in all zones in Eastern Summit County shall conform to the requirements established by this chapter.

1. This chapter does not apply to indoor lighting.
2. All existing outdoor lighting that does not meet the requirements of this chapter and is not exempted by this chapter shall be considered a nonconforming use and as such shall be regulated as outlined in Chapter 11-6-2 of this title.
3. Should this chapter be found to be in conflict with other sections of this Code, the more restrictive shall apply.

C. Application and Review Procedures

Lighting Plans Required: All development permit applications or submittals that propose street lighting or other outdoor lights shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources shall comply with this Code and shall include the following:

1. Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used and installation and electrical details.
2. Illustrations, including but not limited to a manufacturer's catalog cuts, of all proposed lighting fixtures.

D. Full Cutoff Fixture Requirements:

1. Unless specifically exempted by this chapter, all outdoor lighting shall use full cutoff fixtures and shall be installed so light is directed downward with no light emitted above the horizontal plane of the fixture.
2. Lighting must not be placed at a location, angle, or height that directs illumination or horizontal trespass outside the property boundaries where the light fixtures are located.

3. In order to qualify as a "full cutoff" fixture, a light fixture must have the top and sides made of completely opaque material so that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as full cutoff. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover, or other similar cover does not qualify as full cutoff.

E. General Conditions and Standards

1. Outdoor lighting should be the minimum necessary to provide for safety and functionality. The lowest wattage light source necessary for a lighting application should be used.
2. Metal halide lamps may be used only in Sport facility lighting provided it meets the limitations herein.

F. Exemptions.

The following types of lighting installations shall be exempt from the provisions, requirements and review standards of this Section, including those requirements pertaining to Zoning Officer review.

1. Holiday lighting. Winter holiday lighting which is temporary in nature and which is illuminated only between and including November 15 and March 1 shall be exempt from the provisions of this Section, provided that such lighting does not create dangerous glare on adjacent streets or properties, is maintained in an attractive condition and does not constitute a fire hazard.
2. Traffic control signals and devices.
3. Temporary emergency lighting in use by law enforcement or government agencies or at their direction.
4. The lighting of Federal or State flags, per the regulations for lighting a flag in the United States Code Title 36, Chapter 10.
5. Low voltage LED lights and solar lights used to illuminate pathways in residential areas, provided the lights are installed no more than eighteen inches (18") above the adjacent ground level.

G. Prohibited Lighting

The following are prohibited:

1. Floodlights or spotlights affixed to buildings for the purpose of lighting parking lots or sales display lot areas.
2. Architectural/landscape lighting intended to accent or draw attention to architectural features of a building or landscape elements on the property.
3. Search lights, laser source lights or any similar high intensity lighting is prohibited except in emergencies by police and fire personnel or at their direction.
4. Up lighting to illuminate buildings and other structures.
5. Flashing, blinking, intermittent or other lights that move or give the impression of movement.
6. Neon or luminous tube lighting except as permitted in Section 11-6-4 of this Code.