

OGDEN VALLEY PLANNING COMMISSION

REGULAR PLANNING MEETING AGENDA

September 27, 2016

5:00 p.m.

**Pledge of Allegiance*

**Roll Call*

1. Consent Agenda:

1.1. UVP071316: Consideration and action for final subdivision of the Parkside PRUD Phase 1 located at The Bridges at PRUD in the Forest Residential (FR-3) and Residential Estates (RE-15) Zones. (WCU LLC and Bridges Holding Company, LLC, Applicants)

1.2 UVM071316: Consideration and action for final subdivision of the Mountainside Phase 1 PRUD located at The Bridges at PRUD in the Residential Estates (RE-15) Zone. (Bridges Holding Company, LLC, Applicant)

2. Remarks from Planning Commissioners

3. Planning Director Report

4. Remarks from Legal Counsel

5. Adjourn to Convene to a Work Session

WS1. DISCUSSION: Review and Discussion on Outdoor Lighting Ordinance

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah. Work Session will be held in the Breakout Room. A pre-meeting will be held in Room 108 beginning at 4:30 p.m. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting. No decisions are made in the pre-meeting, but it is an open, public meeting.

Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for final subdivision of the Parkside PRUD Phase 1.
Type of Decision: Administrative
Agenda Date: Tuesday, September 27, 2016
Applicant: WCU LLC and Bridges Holding Company, LLC
File Number: UVP071316

Property Information

Approximate Address: The Bridges at PRUD
Project Area: 8.740
Zoning: FR-3 and RE-15
Existing Land Use: Vacant
Proposed Land Use: PRUD
Parcel ID: 22-017-0011 and 22-006-0033
Township, Range, Section: T7N, R1E, Section 15 & 22

Adjacent Land Use

North: Forestry	South: Residential
East: Residential	West: Residential

Staff Information

Report Presenter: Ronda Kippen
rkippen@co.weber.ut.us
 801-399-8768

Report Reviewer: RG

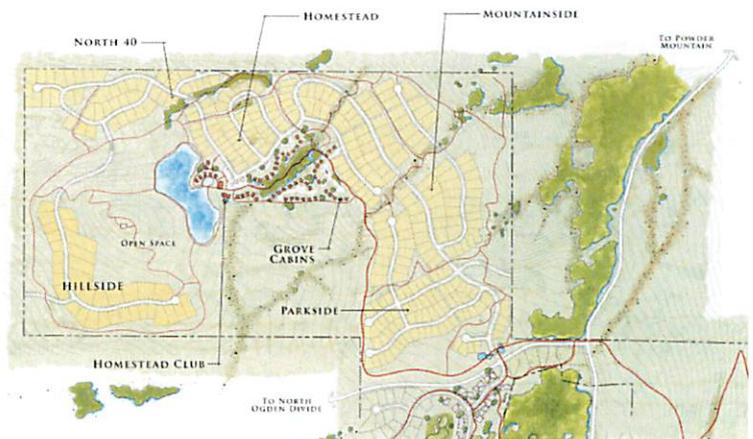
Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 3 Residential Estate Zones (RE-15)
- Title 104, Zones, Chapter 17 Forest Residential Zone (FR-3)
- Title 104, Zones, Chapter 27 Natural Hazards Overlay Zone
- Title 104, Zones, Chapter 28 Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Chapter 5 Planned Residential Unit Development

Summary and Background

The Planning Division recommends final subdivision approval of the Parkside PRUD Phase 1. The proposed development area is zoned RE-15 and FR-3. The proposed subdivision will consist of 14 lots (see Exhibit A).

The Parkside PRUD Phase 1 is part of the master planned community within the Wolf Creek Resort known as "The Bridges PRUD" which consists of a multi-phased development including six communities (364 units) with a variety of housing options and approximately 143 acres of open space. The proposed subdivision "Parkside PRUD Phase 1" is one of the three phases (72 units) in the Parkside community. The proposed subdivision received preliminary subdivision approval from the Weber County Commission on July 19, 2016 after receiving a positive recommendation from the Ogden Valley Planning Commission.



The Uniform Land Use Code of Weber County (LUC) §106-1-8(f) identifies the approval process for final subdivision. The proposed subdivision exceeds the amount of lots that can be administratively approved as part of a phasing process; therefore the final plat must be considered and approved by the County Commission after receiving a recommendation from the Planning Commission. The proposed subdivision and lot configuration is in conformance with the current zoning, the approved PRUD and the Zoning Development Agreement Conceptual Land Use Plan as well as the applicable subdivision requirements as required in the LUC.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort-related areas.

Zoning: The subject property is located in two separate zones identified as the Residential Estate and the Forest Residential Zone more particularly described as the RE-15 and FR-3 zones. The purpose and intent of the RE-15 zone is identified in the LUC §104-3-1 as:

“The major purpose of the RE-15 and RE-20 Zones is to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone.”

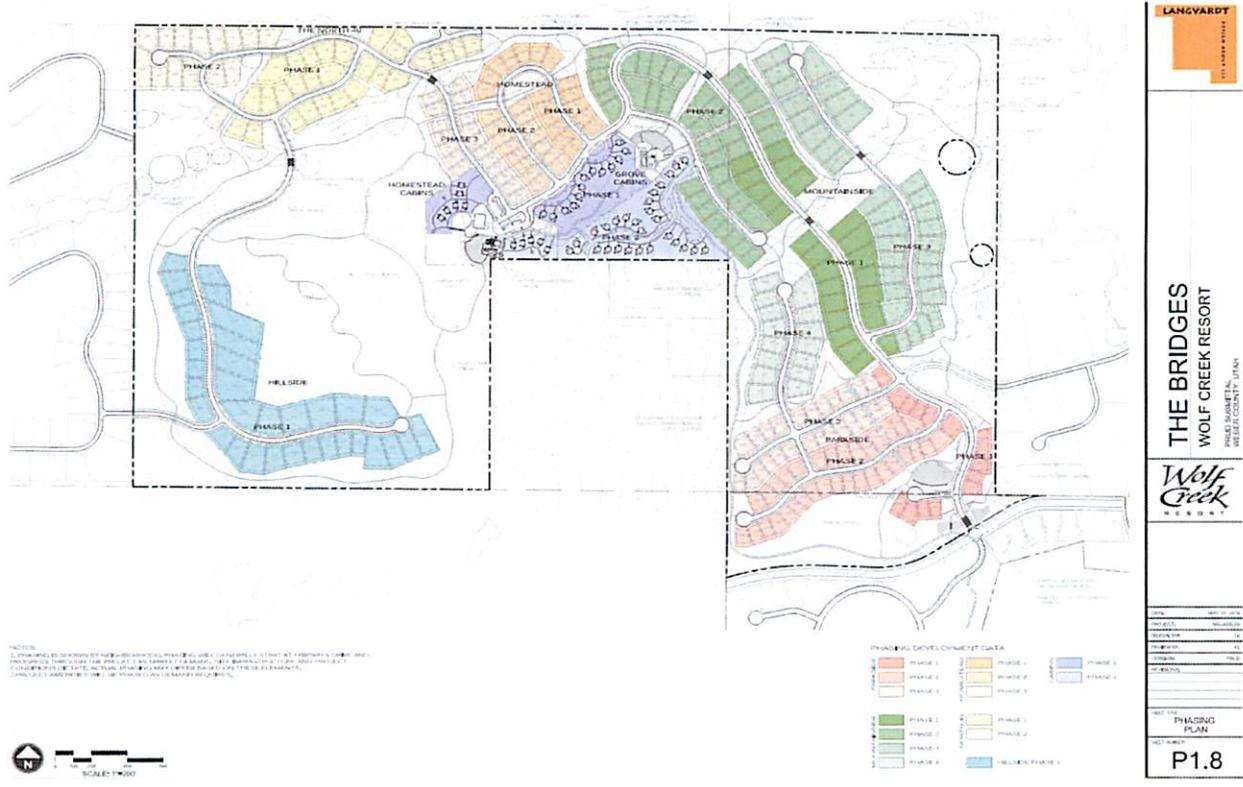
The purpose and intent of the FR-3 zone is identified in the LUC § 104-17-1 as:

“The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts.”



As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC §106, the PRUD ordinance in LUC §108-5, and the applicable standards in the RE-15 zone (LUC §104-3) and in the FR-3 zone (LUC §104-17) to ensure that the regulations and standards have been adhered to. The proposed subdivisions, with the recommended conditions listed in this staff report, are in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

Lot area, frontage/width and yard regulations: The proposed subdivision is one of three phases in the Parkside community and has received preliminary subdivision for “The Bridges PRUD” a multi-phased development.



The purpose and intent of a Planned Residential Unit Development (PRUD) is intended to “allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas” (LUC§ 108-5-2). Parkside PRUD Phase 1 utilizes the allowed flexibility with lots ranging in size from 0.15 acres to 0.33 acres and lot widths ranging in size from approximately 43 feet to approximately 123 feet. The Parkside community will offer nine different mountain style home plans that will vary in size from 1500 to 2300 square feet. These homes will offer the same options as “The Homestead Cottages”, but will be located closer to the golf course. The centerpiece of this neighborhood is the extensive “Bridge Style Entry & Water Feature” as well as a park and playground area. The approved minimum single family yard setbacks for the PRUD are:

- Front Yard: 15 feet
- Side Yard: 7.5 feet
- Side; facing street on corner lot: 15 feet
- Rear Yard: 20 feet

Based on the allowed flexibility of a PRUD, the proposed layout, lot configurations and lot sizes are acceptable. In order to provide clear site standards, staff recommends adding the minimum setback standards on the final subdivision Mylar. A condition of approval has been added to staff’s recommendation to ensure the minimum setback standards are added to the final subdivision Mylar.

Ogden Valley Sensitive Lands Overlay Districts: The development area falls within an area identified as an “Important Wildlife Habitat Area” that is part of the Ogden Valley Sensitive Lands Overlay Districts (LUC§ 104-28). The proposed subdivision has been designed to ensure that development standards in this area shall follow the principles established regarding the location of buildings, structures, roads, trails and other similar facilities to protect important wildlife habitat and their functions including wildlife movement across areas dominated by human activities by limiting the areas of disturbance. A condition of approval has been added to

staff's recommendation to ensure a note providing adequate notice of the Important Wildlife Habitat area and the development standards that are required will be added to the final subdivision Mylar.

Natural Hazards Overlay Zone: The proposed subdivision is located in a Zone "X" as determined by FEMA to be an area determined to be outside 500-year floodplain.

A geologic study has been performed and a report has been prepared by GSH dated April 25, 2016, identified as Project #1661-07N-16 including an addendum dated August 5, 2016. All site development will need to adhere to the recommendations of these reports. According to the report Lots 109, 110, 111 & 112 will need additional site specific geologic and geotechnical investigation in conjunction with a building permit. A note shall be added to the plat to notify the future property owners of the geologic and geotechnical report on file with the Weber County Planning Division as well as the requirement of further geologic and geotechnical investigation prior to submitting for a building permit from Weber County.

Upon recording the final subdivision Mylar a separate "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of the geotechnical and geological recommendations to future property owners. A condition of approval has been added to staff's recommendations to ensure that adequate notification is provided for future property owners regarding further development is noted on the subdivision Mylar.

Culinary water, irrigation water and sanitary sewage disposal: The applicant has provided a capacity assessment letter from the Wolf Creek Water and Sewer District for the culinary and irrigation water and sanitary sewer (see Exhibit B). The applicant will need to provide a construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water for the expansion of the water system and water lines serving the subdivision prior to the subdivision receiving final approval from the County Commission. A condition of approval has been added to ensure that a construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water prior to approval by the County Commission.

Review Agencies: The Weber County Surveyor's Office, Engineering Division, and the Weber Fire District have reviewed the proposal and have provided the applicant with the additional items that will be required prior recording the final Mylar. A condition of approval has been made part of staff's recommendations to ensure that any conditions of the applicable reviewing agencies are strictly adhered to.

Additional design standards and requirements: If the applicant would like to utilize the ability to have nightly rentals as an option allowed in the PRUD ordinance for the owner's in the Parkside PRUD Phase 1, a note will need to be added to the final Mylar to declare that the subdivision is approved for nightly rentals. A condition of approval has been made part of staff's recommendations to ensure that if the applicant desires to allow nightly rentals as part of the Parkside PRUD Phase 1, a note will be added to the final subdivision Mylar to provide notice of the approved nightly rental option.

Tax clearance: The 2015 property taxes have been paid in full. The 2016 property taxes will be due in full on November 1, 2016.

Staff Recommendation

Staff recommends final subdivision approval of the Parkside PRUD Phase 1, consisting of 14 lots. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. In order to provide clear site standards, staff recommends adding the minimum yard setback standards on the final subdivision Mylar including the "Side; facing street on corner lot" setback.
2. A note providing adequate notice of the Important Wildlife Habitat area and the development standards that are required will be added to the final subdivision Mylar.
3. A cost estimate for the improvements and a draft copy of any CC&R's will be required prior to receiving final approval from the County Commission.
4. Prior to recording the final Mylar, all lots that are impacted by a geologic hazard will be identified on the final Mylar with a note to provide notice that the final geologic and geotechnical reports are on file with Weber County Planning Division. A "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of any geotechnical and geological recommendations for future property owners.
5. A construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water must be submitted to Weber County prior to approval by the County Commission
6. If the applicant desires, a note will be added to the final Mylar to provide notice of the approved nightly rental option.



August 26, 2016

RE: Capacity

Lewis Homes
3615 N. Wolf Creek Dr.
Eden, Utah 84310

To whom it may concern:

This is official notice that Wolf Creek Water and Sewer Improvement District has the capacity to serve the Bridges Parkside Phase 1 with 14 units and Mountainside Phase 1 with 24 units. WCWSID has reviewed the plans and has approved them as presented by Gardner Engineering.

If you have any questions or concerns please feel free to contact me at 801-430-4647

Thank You,

A handwritten signature in black ink, appearing to read "Rob Thomas", is written over the printed name.

Rob Thomas
General Manager
Wolf Creek Water and Sewer
Improvement District



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for final subdivision of the Mountainside Phase 1 PRUD.
Type of Decision: Administrative
Agenda Date: Tuesday, September 27, 2016
Applicant: Bridges Holding Company, LLC
File Number: UVM071316

Property Information

Approximate Address: The Bridges at PRUD
Project Area: 11.884 acres
Zoning: RE-15
Existing Land Use: Vacant
Proposed Land Use: PRUD
Parcel ID: 22-006-0033
Township, Range, Section: T7N, R1E, Section 15

Adjacent Land Use

North: Forestry	South: Residential
East: Residential	West: Residential

Staff Information

Report Presenter: Ronda Kippen
rkippen@co.weber.ut.us
 801-399-8768

Report Reviewer: RG

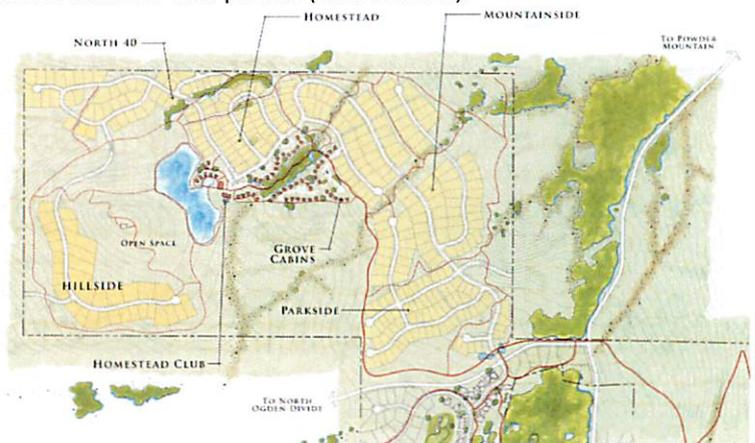
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- Title 104, Zones, Chapter 27 Natural Hazards Overlay Zone
- Title 104, Zones, Chapter 28 Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Chapter 5 Planned Residential Unit Development

Summary and Background

The Planning Division recommends final subdivision approval of the Mountainside Phase 1 PRUD. The proposed subdivision is in the RE-15 zone and will consist of 24 lots and approximately 1.649 acres of common area which will include a 4 foot soft trail running through two of the three the common area parcels (see Exhibit A).

The Mountainside Phase 1 PRUD is part of the master planned community within the Wolf Creek Resort known as "The Bridges PRUD" which consists of a multi-phased development including six communities (364 units) with a variety of housing options and approximately 143 acres of open space. The proposed subdivision "Mountainside Phase 1 PRUD" is one of the four phases (112 units) in the Mountainside community. The proposed subdivision received preliminary subdivision approval from the Weber County Commission on July 19, 2016 after receiving a positive recommendation from the Ogden Valley Planning Commission.



The purpose and intent of a Planned Residential Unit Development (PRUD) is intended to “allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas” (LUC§ 108-5-2). Mountainside Phase 1 PRUD utilizes the allowed flexibility with lots ranging in size from 0.224 acres to 0.46 acres and lot widths ranging in size from approximately 72 feet to approximately 137 feet. The various lot sizes will allow for the future lot owners to build custom homes ranging from 2000 to 4000 square feet. The approved minimum single family yard setbacks for the PRUD are:

- Front Yard: 15 feet
- Side Yard: 7.5 feet
- Side; facing street on corner lot: 15 feet
- Rear Yard: 20 feet

Based on the allowed flexibility of a PRUD, the proposed layout, lot configurations and lot sizes are acceptable. In order to provide clear site standards, staff recommends adding the minimum setback standards on the final subdivision Mylar. A condition of approval has been added to staff’s recommendation to ensure the minimum setback standards are added to the final subdivision Mylar.

Ogden Valley Sensitive Lands Overlay Districts: The development area falls within an area identified as an “Important Wildlife Habitat Area” that is part of the Ogden Valley Sensitive Lands Overlay Districts (LUC§ 104-28). The proposed subdivision has been designed to ensure that development standards in this area shall follow the principles established regarding the location of buildings, structures, roads, trails and other similar facilities to protect important wildlife habitat and their functions including wildlife movement across areas dominated by human activities by limiting the areas of disturbance. A condition of approval has been added to staff’s recommendation to ensure a note providing adequate notice of the Important Wildlife Habitat area and the development standards that are required will be added to the final subdivision Mylar.

Common Area: The general requirements for a PRUD identify the need to preserve common open space. The proposed subdivision layout identifies common area with an integrated foot trail. The common area is approximately 1.649 acres which is 13.87% of the 11.884 acres. This area will be required to be dedicated upon recording by one or more of the following methods:

- (1) Dedication of the land as Public Park or parkway system;
- (2) Granting to the county a permanent common open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in access, parking, recreation or open space uses with ownership and maintenance being the responsibility of a home owners’ association established with articles of association and bylaws which are satisfactory to the county; or
- (3) Complying with the provisions of the Condominium Ownership Act, U.C.A. 1953, § 57-8-1 et seq., as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.

Any CC&R’s will need to comply with the provisions of the Condominium Ownership Act, U.C.A 1953, §57-8-1 et seq. per LUC §108-5-6(d)(3) for the preservation, maintenance and ownership of the common area. Prior to receiving final approval of the subdivisions, the applicant will need to provide to the County a copy of the proposed CC&R’s for review as well as a cash escrow to be held by Weber County for the proposed improvements including the amenities in the common area. The dedication language on the final plat will need to include language to grant ownership of the common area to the applicable ownership. A condition of approval has been added to ensure the final subdivision Mylar includes the correct dedication language for the common area located within the subdivision. A cost estimate for the improvements and a draft copy of any CC&R’s will also be required prior to receiving final approval from the County Commission.

Natural Hazards Overlay Zone: The proposed subdivision is located in a Zone “X” as determined by FEMA to be an area determined to be outside 500-year floodplain.

A geologic study has been performed and a report has been prepared by GSH dated April 25, 2016, identified as Project #1661-07N-16 including an addendum dated August 5, 2016. All site development will need to adhere to

the recommendations of these reports. According to the report Lots 207, 208, 209, 210 & 218 will need additional site specific geologic and geotechnical investigation in conjunction with a building permit. A note shall be added to the plat to notify the future property owners of the geologic and geotechnical report on file with the Weber County Planning Division as well as the requirement of further geologic and geotechnical investigation prior to submitting for a building permit from Weber County. It also appears that lots 203, 204 & 222 have areas at or exceeding 25% slope. The final Mylar shall either identify a building envelope with a building area of less than 25% slope or identify the lot with an "R" and include the required "Restricted" note on the plat.

Upon recording the final subdivision Mylar a separate "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of the geotechnical and geological recommendations to future property owners. A condition of approval has been added to staff's recommendations to ensure that adequate notification is provided for future property owners regarding further development is noted on the subdivision Mylar.

Culinary water, irrigation water and sanitary sewage disposal: The applicant has provided a capacity assessment letter from the Wolf Creek Water and Sewer District for the culinary and irrigation water and sanitary sewer (see Exhibit B). The applicant will need to provide a construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water for the expansion of the water system and water lines serving the subdivision prior to the subdivision receiving final approval from the County Commission. A condition of approval has been added to ensure that a construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water prior to approval by the County Commission.

Review Agencies: The Weber County Surveyor's Office, Engineering Division, and the Weber Fire District have reviewed the proposal and have provided the applicant with the additional items that will be required prior recording the final Mylar. A condition of approval has been made part of staff's recommendations to ensure that any conditions of the applicable reviewing agencies are strictly adhered to.

Additional design standards and requirements: If the applicant would like to utilize the ability to have nightly rentals as an option allowed in the PRUD ordinance for the owner's in the Mountainside Phase 1 PRUD, a note will need to be added to the final Mylar to declare that the subdivision is approved for nightly rentals. A condition of approval has been made part of staff's recommendations to ensure that if the applicant desires to allow nightly rentals as part of the Mountainside Phase 1 PRUD, a note will be added to the final subdivision Mylar to provide notice of the approved nightly rental option.

Tax clearance: The 2015 property taxes have been paid in full. The 2016 property taxes will be due in full on November 1, 2016.

Staff Recommendation

Staff recommends final subdivision approval of the Mountainside Phase 1 PRUD, consisting of 24 lots. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. In order to provide clear site standards, staff recommends adding the minimum yard setback standards on the final subdivision Mylar including the "Side; facing street on corner lot" setback.
2. A note providing adequate notice of the Important Wildlife Habitat area and the development standards that are required will be added to the final subdivision Mylar.
3. The dedication language on the final Mylar will need to include language to grant ownership of the common area to the applicable ownership.
4. A cost estimate for the improvements and a draft copy of any CC&R's will be required prior to receiving final approval from the County Commission.
5. Prior to recording the final Mylar, all lots that are impacted by a geologic hazard will be identified on the final Mylar with a note to provide notice that the final geologic and geotechnical reports are on file with Weber County Planning Division. A "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of any geotechnical and geological recommendations for future property owners.
6. Lots 203, 204 & 222 have areas at or exceeding 25% slope. The final Mylar shall either identify a building envelope with a building area of less than 25% slope or identify the lot with an "R" and include the required "Restricted" note on the plat.
7. A construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water must be submitted to Weber County prior to approval by the County Commission

8. If the applicant desires, a note will be added to the final Mylar to provide notice of the approved nightly rental option.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision conforms to the approved Zoning Development Agreement.
3. With the recommended conditions, the proposed subdivision complies with all previous approvals and the applicable County ordinances.
4. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
5. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Mountainside Phase 1 PRUD
- B. Wolf Creek Water and Sewer District Capacity Assessment Letter

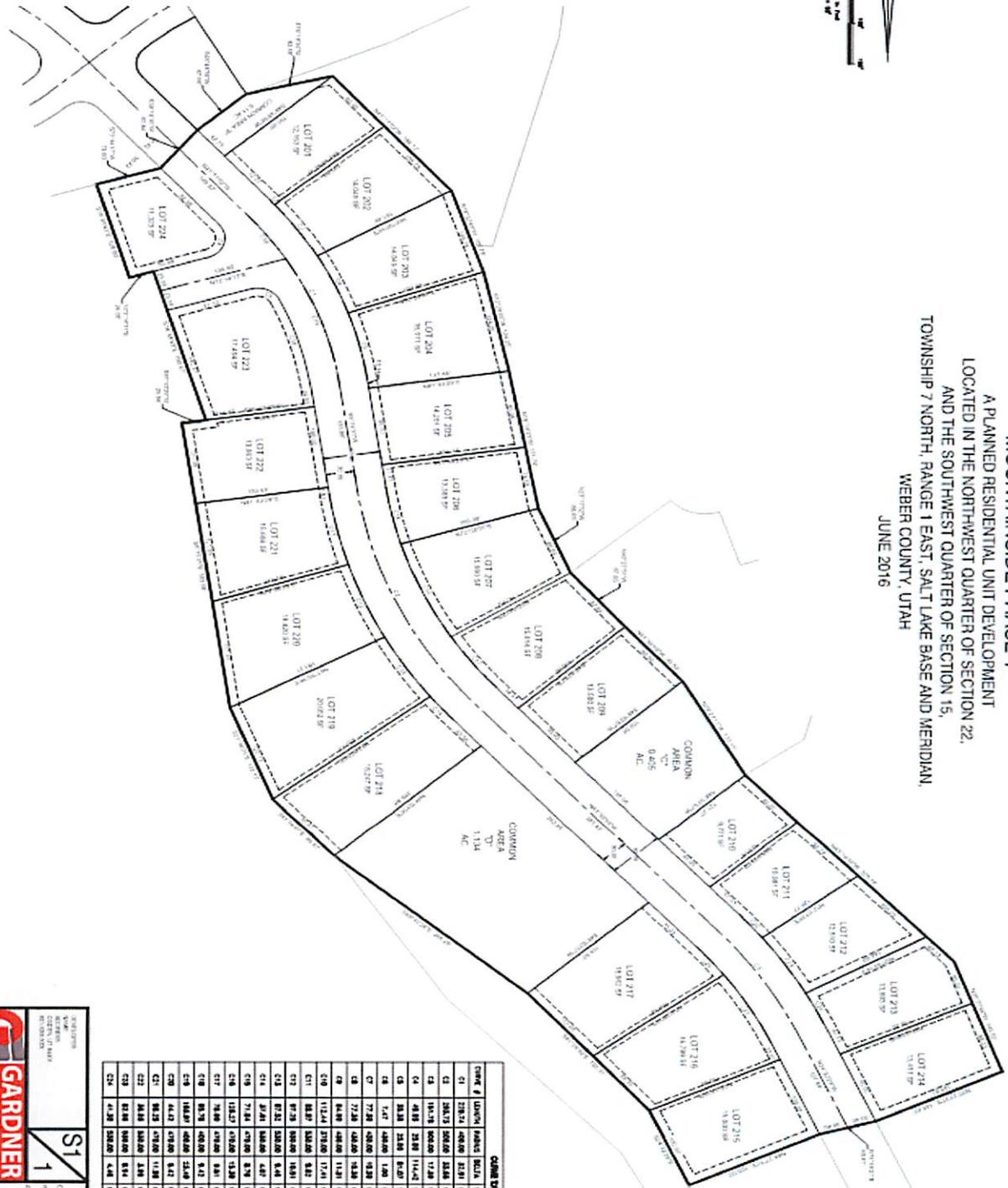
Location Map



10/10/16 11:25 AM SITE PLAN FOR MOUNTAINSIDE PHASE 1 PRUD



MOUNTAINSIDE PHASE 1
 A PLANNED RESIDENTIAL UNIT DEVELOPMENT
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 22,
 AND THE SOUTHWEST QUARTER OF SECTION 15,
 TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN,
 WEBER COUNTY, UTAH
 JUNE 2016



COMMON TABLE

UNIT #	UNITS	INDIC	BUILD	DATE	CONSTR	STATUS
C1	218/21	00000	02/01	02/07	02/07	02/07
C2	208/22	00000	02/01	02/07	02/07	02/07
C3	191/23	00000	12/29	02/07	02/07	02/07
C4	08/28	2100	11/02	02/07	02/07	02/07
C5	08/29	00000	1/06	02/07	02/07	02/07
C6	1/27	00000	1/28	02/07	02/07	02/07
C7	7/28	00000	1/28	02/07	02/07	02/07
C8	8/28	00000	1/28	02/07	02/07	02/07
C9	8/29	00000	1/28	02/07	02/07	02/07
C10	11/24	2100	1/28	02/07	02/07	02/07
C11	08/29	00000	1/28	02/07	02/07	02/07
C12	08/30	00000	1/28	02/07	02/07	02/07
C13	08/31	00000	1/28	02/07	02/07	02/07
C14	08/32	00000	1/28	02/07	02/07	02/07
C15	08/33	00000	1/28	02/07	02/07	02/07
C16	08/34	00000	1/28	02/07	02/07	02/07
C17	08/35	00000	1/28	02/07	02/07	02/07
C18	08/36	00000	1/28	02/07	02/07	02/07
C19	08/37	00000	1/28	02/07	02/07	02/07
C20	08/38	00000	1/28	02/07	02/07	02/07
C21	08/39	00000	1/28	02/07	02/07	02/07
C22	08/40	00000	1/28	02/07	02/07	02/07
C23	08/41	00000	1/28	02/07	02/07	02/07
C24	08/42	00000	1/28	02/07	02/07	02/07

GARDNER ENGINEERING
 1000 WEST 1000 SOUTH, SUITE 100, SALT LAKE CITY, UT 84119
 (801) 466-1111
 www.gardnereng.com

COMPILED BY: S1
DATE: 06/20/16
SCALE: AS SHOWN
PROJECT: MOUNTAINSIDE PHASE 1 PRUD
CLIENT: COUNTY OF WEBER



August 26, 2016

RE: Capacity

Lewis Homes
3615 N. Wolf Creek Dr.
Eden, Utah 84310

To whom it may concern:

This is official notice that Wolf Creek Water and Sewer Improvement District has the capacity to serve the Bridges Parkside Phase 1 with 14 units and Mountainside Phase 1 with 24 units. WCWSID has reviewed the plans and has approved them as presented by Gardner Engineering.

If you have any questions or concerns please feel free to contact me at 801-430-4647

Thank You,

A handwritten signature in black ink, appearing to read "Rob Thomas", is written over a light blue horizontal line.

Rob Thomas
General Manager
Wolf Creek Water and Sewer
Improvement District



Weber County Planning Division

MEMORANDUM

To: Ogden Valley Planning Commission
From: Charles Ewert, AICP
Date: September 20, 2016
Subject: Work Session to discuss Outdoor Lighting Ordinance

Planning Commissioners,

Please review the attached model light ordinance. We will discuss it in the September 27, 2016 work session.

Please note the following:

- I have not changed any of the approach as previously discussed. The vision here is clarity and efficiency. I have avoided using technical terms like "luminaire," "lux," and I am also avoiding terms that could have many interpretations, like "fixture." I use a few minimal tech terms in the definitions, but in the actual statute I avoid it. I do not define "lumen" either. Merriam Webster does a fine job of it.
- I come out the door swinging: in essence I say all outdoor lighting for all uses is required to be fully shielded, downward directed, no trespass, and 3000K or less. Then I soften the "all" with a laundry list of exemptions that I've collected from other codes. The other thing you may note is that I do not talk about "full cutoff" or the bottom of shielding being at the horizontal. Rather, I am relying on the no trespass and no projection into the night sky to govern this. It allows shielding to be angled at the owners desire otherwise.
- I attempted to keep one question in mind as I created the rest of the chapter: Is this regulation I am contemplating already addressed with the fully shielded, downward directed, no trespass, and 3000K standards? If so, more words will only confuse. In other words, keep in mind that everything ties back to that first set of standards. As I reviewed other ordinances much of the bulk seemed to be either related to redundancies or related to special exceptions or exemptions. I tried to keep it more simple than that for the most part.
- I have not touched signage yet. I do not see that being much of a challenge. It will come down the pipeline soon.

Please let me know in advance if you want me to focus on any specific areas in the meeting.

1 **Sec. 101-1-7. - Definitions.**

2 When used in this Code, the following words and phrases have the meaning ascribed to them in this
3 section, unless the context indicates a different meaning:

4 ...

5 *Custom exempt meat cutting.* The term "custom exempt meat cutting" means the cutting, wrapping,
6 and preparation of meat for human consumption; provided, however, that the source of meat shall be
7 limited to animals that are part of one or more livestock operation(s) in Weber County, and/or wild game.

8 *Dark sky.* The term "dark sky" means a night-time sky that is relatively free of interference from
9 artificial light.

10 *Dairy.* The term "dairy" means a commercial establishment for the manufacture or processing of
11 dairy products.

12 ...

13 *Glamorous camping (glamping), agri-tourism.* The term "agri-tourism glamorous camping (glamping)"
14 means an agri-tourism use/activity that provides the opportunity for agri-tourists to rent, on a nightly basis,
15 fully furnished tents and/or rustic cabin sites that are characterized by furnishings, amenities, and
16 comforts offered by that of a luxury hotel room. Furnishings, amenities, and comforts may include but not
17 be limited to, luxurious decor, beds, linens, baths, veranda, spa services, concierge, dining, and chef.

18 *Glare.* The term "glare" means light, originating from a direct artificial light source, or any light
19 reflected off a reflective surface, that causes visual discomfort or reduced visibility.

20 *Grade, natural/existing (adjacent ground elevation).* The term "grade, natural/existing (adjacent
21 ground elevation)" means the lowest point of elevation of the finished surface of the natural ground,
22 paving or sidewalk within the area between the building and the property line or, when the property line is
23 more than five feet from the building, between the building or structure and a line five feet from the
24 building or structure.

25 ...

26 *Landscape plan.* The term "landscape plan" means:

- 27 (1) Detailed plans depicting the layout and design for landscaping, including, but not limited to
28 location, height and materials of walls, fences, hedges and screen plantings;
- 29 (2) Ground cover plantings or other surfacing to break monotony of building materials, concrete and
30 asphalt;
- 31 (3) Number, type and mature and planted size of all landscape plantings; method of irrigation,
32 location of water meter, piping, pumps, timers, point of connection and any blow-out or
33 winterizing system; location, type and size of any existing trees over four-inch caliper;
- 34 (4) Location, type and size of any existing landscaping not planned for removal; location, type and
35 size of any decorative lighting systems.

36 *Light, direct artificial.* The term "direct artificial light" means any illumination resulting from an artificial
37 light source, as defined by this section, or from an artificial light source's luminaire. This shall also include
38 light resulting from surfaces on or within the luminaire intended to reflect or refract the artificial light
39 source. This does not include light reflected from other surfaces such as nonreflective surfaces on or
40 within the luminaire, or the ground or adjacent walls, provided those surfaces are not primarily intended
41 for the reflection of the artificial light source. See also Section 108-16-9 for a graphic depiction.

42 *Light pollution.* The term "light pollution" means any artificial light that is emitted either directly or
43 indirectly by reflection that alters the appearance of the night-time sky; interferes with astronomical
44 observations; interferes with the natural functioning of native wildlife, or disrupts the community character
45 as defined in the applicable general plan for the area.

Comment [c1]:

Charlie and Courtlan: Review all new definitions for consistency with other sections of code.

46 Light source, artificial. The term "artificial light source" means the part of a lighting device that
47 produces light. See also Section 108-16-9 for a graphic depiction.

Comment [c2]: Check reference

48 Light trespass. The term "light trespass" means the projection of any light from a direct artificial light
49 source outside the lot or parcel boundary where the artificial light source is located; unless the projection
50 outside the lot or parcel boundary is intended, wanted, and lawfully permitted. See also Section 108-16-
51 XXX for a graphic depiction.

Comment [c3]: See new definition

52 Lighting, outdoor. The term "outdoor lighting" means the illumination of an outside area or object by
53 any artificial light source that produces light by any means. Outdoor lighting also includes indoor light
54 sources that project light outside.

Comment [c4]: Check reference

Comment [c5]: Check reference

Comment [c6]: See standards/exemptions in 108-16-5

55 Lighting, recreation facility. The term "recreation facility lighting" means lighting used to illuminate the
56 recreation activity area of a stadium, sports field or court, outdoor rink, ski area, swimming pool, outdoor
57 theater, amphitheater, arena, or any similar use intended for recreational activity. See also Section 108-
58 16-XXX for a graphic depiction.

Comment [c7]: Janet – you mentioned adding HOA rec facility here, but I think it is already covered by the total definition. I added pool area to be sure. Agree?

59 Livestock feed yard. The term "livestock feed yard" means a commercial operation on a parcel of
60 land where livestock are kept in corrals or yards for extended periods of time at a density which permits
61 little movement and where all feed is provided for the purpose of fattening or maintaining the condition of
62 livestock prior to their shipment to a stockyard for sale, etc.

Comment [c8]: Check reference

Comment [c9]: Check reference

63 ...

64 CHAPTER 16. - OGDEN VALLEY LIGHTING

65 Sec. 108-16-1. - Purpose and intent.

66 The purpose and intent of this chapter is to promote the community character of the Ogden Valley,
67 as provided for in the Ogden Valley General Plan, by providing regulations and encouragement for the
68 preservation of a dark sky. This chapter is also intended to promote the health, safety, and general
69 welfare of Ogden Valley residents and visitors by:

70 (1) Reducing, eliminating, or preventing light trespass;

71 (2) Reducing, eliminating, or preventing unnecessary or inappropriate outdoor lighting;

72 (3) Reducing, eliminating, or preventing the effects of outdoor lighting on wildlife;

73 (4) Preventing unsightly and unsafe glare;

74 (5) Promoting energy conservation;

75 (6) Maintaining nighttime safety, utility, and security; and

76 (7) Encouraging a minimal light footprint of land uses in order to reduce light pollution.

Comment [c10]: New definition

77 (8) Promoting and supporting astrotourism and recreation, including the pursuit or retention of
78 accreditation of local parks by the International Dark Sky association.

Comment [c11]: Janet – this one is for you. Great idea.

79 ~~In order to preserve the rural character and public values of the Ogden Valley, this chapter is~~
80 ~~intended to regulate the permitted use of outdoor artificial illuminating devices emitting undesirable rays~~
81 ~~into the night sky, glare to oncoming traffic, intrusion of light onto adjacent properties, and light pollution in~~
82 ~~general, which may have a detrimental effect on the welfare and safety of the populace, as well as the~~
83 ~~ambiance and rural character of the valley.~~

84 Sec. 108-16-2. - Applicability.

85 (a) New outdoor lighting. All outdoor lighting installed after January 1, 2017, shall conform to the
86 requirements established by this chapter. This chapter does not apply to indoor lighting except as
87 defined by "outdoor lighting" in Section 101-1-7.

88 (b) ~~Existing outdoor lighting. All existing outdoor lighting that does not meet the requirements of this~~
89 ~~chapter and is not exempted by this chapter shall be considered a nonconforming use and as such~~
90 ~~shall be scheduled for amortization as outlined in section 18-16-7 of this chapter.~~

Comment [c12]: Check reference.

91 (c) ~~Conflict. Should this chapter be found to be in conflict with other sections of this code, the more~~
92 ~~restrictive shall apply.~~

93 ~~This chapter applies to commercial, industrial, multifamily, public and quasi-public uses.~~

94 **Sec. 108-16-3. — Conformance with applicable regulations.**

95 (a) ~~All outdoor artificial illuminating devices, unless exempted, shall be installed in conformance with the~~
96 ~~provisions of this chapter, the Land Use Code, and any building codes which may hereafter be~~
97 ~~enacted, as applicable.~~

98 (b) ~~Where any provisions of any of the state code or any federal law, or any companion land use~~
99 ~~ordinance comparatively conflicts with the requirements of this outdoor light control ordinance, the~~
100 ~~most restrictive shall be applied.~~

101 **Sec. 108-16-4. — Definitions.**

102 The following words, terms and phrases, when used in this chapter, shall have the meanings
103 ascribed to them in this section, except where the context clearly indicates a different meaning:

104 **Individual** means any private individual, tenant, lessee, owner, or any commercial entity including but
105 not limited to companies, partnerships, joint ventures, or corporations.

106 **Installed** means the initial installation of outdoor light fixtures defined herein, following the effective
107 date of the ordinance from which this chapter is derived but shall not apply to those outdoor light fixtures
108 installed prior to such date, unless such light fixtures are replaced or significantly, structurally altered.

109 **Outdoor light fixtures** means outdoor artificial illuminating devices, outdoor fixtures, lamps and other
110 devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but
111 are not limited to lights for:

- 112 (1) Building and structures;
- 113 (2) Recreation areas;
- 114 (3) Parking lot lighting;
- 115 (4) Landscape lighting;
- 116 (5) American Flag;
- 117 (6) Advertising or other signage;
- 118 (7) Street lighting; and/or
- 119 (8) Festive lighting;

120 a. Festive, festoon or strings of lights, which are suspended from an electrical conductor or
121 messenger cable, between two points, and limited to small individual bulbs on a string
122 where the spacing of bulbs is not closer than three inches and where the output per bulb is
123 no greater than four watts.

124 b. Festive lighting may be used to outline structures and landscaping; however, they shall not
125 blink, flash or simulate motion. Festive lights are encouraged to be turned off by 10:00 p.m.
126 or after close of the individual's business hours.

127 c. Festive lighting, as defined in subsection (8)a of this section is exempt from other
128 requirements of this chapter.

129 **Sec. 108-16-3. - General standards.**

130 (a) Light shielding and direction. Unless specifically exempted in Section 108-16-5, all outdoor lighting
131 shall be fully shielded and downward directed, as graphically depicted in Section 108-16-10 in
132 compliance with the following:

Comment [c13]: Check reference

133 (1) No direct artificial light source shall project light into the night-time sky;

134 (2) No lighting shall be placed at a location, angle, or height that creates a light trespass, as defined
135 in Section 101-1-7 and graphically depicted in Section 108-16-11.

Comment [c14]: Check reference

136 (3) The shielding shall be made of completely opaque material such that light escapes only through
137 the bottom. Shielding that is translucent, transparent, has perforations or slits of any kind, or
138 allows light to escape through it in any other manner is not permitted.

139 (4) Shielding may be attained by light fixture design, building architectural design, or other site
140 design features such as fencing, walls, or landscaping, provided it is in strict compliance with (1)
141 through (3) of this subsection.

Comment [c15]: Janet – You were concerned about this, but if you are to apply it in strict compliance with 1-3 are your concerns mitigated?

142 (b) Light color. Unless specifically exempted in Section 108-16-5, the color of any artificial light source
143 shall be equal to or greater than 3000K, in accordance with the standard Kelvin temperature chart,
144 as graphically depicted in Section 108-16-12.

Comment [c16]: Check reference

145 **Sec. 108-16-45. - General Specific requirements standards.**

Comment [c17]: Charlie – Review recent changes to home occupation ordinance and adjust as may be necessary.

146 In addition to the general standards of Section 108-16-3, The following are specific standards that
147 apply to all commercial, industrial, manufacturing, public and quasi public, institutional, multifamily,
148 recreation, and resort uses:

149 (1) Light curfew. Unless exempt in Section 108-16-5, and except for residential uses, all artificial
150 light sources shall be turned off within one hour of the close of business, except the following:

Comment [c18]: BMP, However, Planning Commission did not like this.

151 a. Lighting to illuminate the entrance of the building;

152 b. Safety lighting of parking lots and pedestrian walkways;

153 c. Sign illumination.

154 (2) Flashing or flickering light. No flickering or flashing lights shall be permitted.

155 (3) Canopy lighting. All direct artificial light sources shall be sufficiently recessed so as not to
156 project direct light greater than five feet from the outside perimeter of the canopy, and shall not
157 produce more than a ratio of 11 lumens per square foot of canopy area. This ratio shall be
158 calculated by combining the total lumen output of each artificial light source and dividing by the
159 square footage of canopy.

160 (4) Parking lot lighting. All artificial light sources shall not exceed a ratio of two lumens per square
161 foot of parking lot area. This ratio shall be calculated by combining the total lumen output of
162 each artificial light source divided by the square footage of the parking lot area. See Section
163 108-16-14 for a graphic depiction.

Comment [c19]: Check reference

164 (5) Recreation facility lighting. Recreation facility lighting, as defined in Section 101-1-7, shall
165 comply with the following:

166 a. The lighting of the recreation activity area shall only be directed onto the area where
167 the recreation activities are occurring. It shall not be allowed to illuminate surfaces that
168 are not essential to the function of the recreation activity.

169 b. The lighting shall not exceed a ratio of 10 lumens per square foot of recreation activity
170 area. This ratio shall be calculated by combining the total lumen output of each artificial
171 light source divided by the square footage of the recreation activity area. See Section
172 108-16-15 for a graphic depiction.

Comment [c20]: This is typical of non-professional/non-semi-professional courts/fields/etc.

Comment [c21]: Need to followup with with ski areas to ensure this is workable.

173 c. The recreation activity area shall only be lit when it is in use.

Comment [c22]: Check reference

174 (6) Sign lighting. Sign lighting shall comply with the requirements of 110-2-XX

Comment [c23]: Rick – not inclined to regulate lit window signs.

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~~(a) Shielding. All exterior illumination devices, except those exempt from this chapter, and those regulated by subsection (c) of this section, shall be fully or partially shielded as required in subsection (c) of this section.~~

~~(1) The term "fully shielded" shall mean that those fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.~~

~~(2) The term "partially shielded" shall mean that those fixtures shall be shielded in such a manner that the bottom edge of the shield is below the plane centerline of the light source (lamp), minimizing light above the horizontal.~~

~~(b) Filtration.~~

~~(1) Those outdoor light fixtures requiring a filter in subsection (c) of this section shall be equipped with a filter whose transmission is less than five percent total emergent flux at wavelengths less than 3,900 angstroms. Total emergent flux is defined as that between 3,000 and 7,000 angstrom units.~~

~~(2) It is recommended that existing mercury vapor fixtures shall be equipped with a filter whose transmission is less than ten percent total emergent flux at wavelengths less than 4,400 angstroms.~~

~~(3) Low pressure sodium lamps are the preferred lamp for minimizing adverse effects on astronomical observations.~~

~~(c) Requirements for shielding and filtering. The requirements for the shielding and filtering light emissions from outdoor light fixtures shall be as set forth in the following table:~~

Requirements for Shielding and Filtering		
Fixture Lamp Type	Shielded	Filtered (4)
Low-pressure sodium (1)	Partially	None
High-pressure sodium	Fully	None
Metal halide (6)	Fully	Yes
Fluorescent	Fully	Yes (2)
Quartz (3)	Fully	None
Incandescent greater than 100-W	Fully	None
Incandescent less than 100-W	None	None
Mercury vapor	Fully (7)	Yes (7)

Gas-filled tubes (neon, argon, krypton)	None	None
Natural gas/fossil fuels	None	None
Other source	As approved by the planning commission	

198

199 **Footnotes—**

200 (1) ~~This is the preferred light source to minimize undesirable light into the night sky affecting~~
 201 ~~astronomical observations.~~

202 (2) ~~Warm white and natural lamps are preferred to minimize detrimental effects.~~

203 (3) ~~For the purposes of the chapter, quartz lamps shall not be considered an incandescent~~
 204 ~~light source.~~

205 (4) ~~Most glass, acrylic or translucent enclosures satisfy these filter requirements.~~

206 (5) ~~Outdoor advertising signs of the type constructed of translucent materials and wholly~~
 207 ~~illuminated from within do not require shielding.~~

208 (6) ~~Metal halide display lighting shall not be used for security lighting after 11:00 p.m. (or after~~
 209 ~~closing hours if before 11:00 p.m.) unless fully shielded. Metal halide lamps shall be in~~
 210 ~~enclosed luminaries.~~

211 (7) ~~Recommended for existing fixture. The installation of mercury vapor fixtures is prohibited~~
 212 ~~effective 90 days after the effective date of adoption of the ordinance from which this~~
 213 ~~chapter is derived.~~

214 **Sec. 108-16-6. ~~Side yard requirements.~~**

215 ~~Lighting within side yards shall not exceed two foot-candles of illumination at the property line, and~~
 216 ~~shall not exceed one-half foot-candle within ten feet over the adjacent property line.~~

217 **Sec. 108-16-7. ~~Prohibitions.~~**

218 ~~The following uses are prohibited by this chapter:~~

219 (1) ~~Searchlights.~~ ~~The operation of searchlights for advertising purposes is prohibited.~~

220 (2) ~~Recreational facility.~~ ~~No outdoor recreational facility, public or private, shall be illuminated by~~
 221 ~~nonconforming means after 11:00 p.m., except to conclude a specific recreational or sporting~~
 222 ~~event or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar~~
 223 ~~facility in progress prior to 11:00 p.m.~~

224 (3) ~~Outdoor building or landscaping illumination.~~ ~~The unshielded outdoor illumination of any~~
 225 ~~building, landscaping, American flag, signage or other purpose is prohibited except with~~
 226 ~~incandescent fixtures less than 100 watts.~~

227 (4) ~~Mercury vapor.~~ ~~The installation of mercury vapor fixtures is prohibited effective 90 days after the~~
 228 ~~effective date of the ordinance from which this chapter is derived.~~

229 **Sec. 108-16-58. - ~~Permanent e~~Exemptions.**

230 ~~The following artificial light sources are exemptions exempt from apply to thethe provisions~~
 231 ~~in~~ requirements of this chapter:

- 232 (1) ~~Federal and state facilities lighting. Those facilities and lands owned, operated as protected by~~
 233 ~~the U.S. Federal Government or the State of Utah are exempted by law from all requirements of~~
 234 ~~this chapter. Federal and state facilities are exempt from the requirements of this chapter,~~
 235 ~~however, they are encouraged to cooperate and coordinate with the County the construction of~~
 236 ~~their facilities in compliance with this chapter;~~
- 237 (2) Federal and state flag lighting. The lighting of a United States or State of Utah flag, provided
 238 compliance with the following:
- 239 a. That the light is a narrow beam aimed and shielded to illuminate, to the best effort
 240 practicable, only the flag; and
- 241 b. That flag lighting levels shall be minimized to create the least amount of impact on the dark
 242 sky, while still offering noticeable illumination of the flag;
- 243 (3) Fossil fuel lighting. Fossil fuel light, ~~P~~produced directly ~~or indirectly~~ by the combustion of natural
 244 gas or other utility-type fossil fuels;
- 245 (4) Historic antique lighting. Lighting devices designed to preserve the historic nature of a site,
 246 based on historically accurate recreations of antique light devices, provided the output of each
 247 direct artificial light source does not exceed 1000 lumens;
- 248 (5) Holiday lighting. Holiday lighting for residential uses between November 15 and January 15,
 249 provided that it shall not create a hazard or glare nuisance;
- 250 (6) Low output light source. A direct artificial light source having a low output totaling less than one
 251 hundred lumens, provided compliance with the following:
- 252 a. That the artificial light source shall not be located within 24 inches of another low output
 253 artificial light source, and not within 48 inches of a second low output artificial light source;
 254 and
- 255 b. That direct artificial light shall not be visible from any point outside the property on which
 256 the artificial light source is located;
- 257 (7) Motion sensor controlled light source. A direct artificial light source that has a light output less
 258 than one thousand lumens and is controlled by a motion sensor, provided compliance with the
 259 following:
- 260 a. That the motion sensor is set to turn the direct artificial light source off 10 minutes after the
 261 last detection of motion; and
- 262 b. That the direct artificial light source is sufficiently shielded in a manner that prevents glare
 263 on adjacent properties or roadways;
- 264 (8) Outdoor lighting projected from indoors. Direct artificial light projected from the inside of a
 265 building to the outside, provided that the total area of window and door openings allowing light
 266 pass-through does not exceed 50 percent of any face of the building. See Section 108-16-XXX
 267 for a graphic depiction;
- 268 (9) Public art lighting. The lighting of public art, provided that a maximum of two direct artificial light
 269 sources with no greater than 1000 lumens each may be used;
- 270 (10) Safety or security lighting exemptions. For the sole purpose of mitigating legitimate and
 271 verifiable safety or security hazards, the Land Use Authority may exempt an artificial light
 272 source if it is shown to be necessary. The Land Use Authority may apply reasonable conditions
 273 to ensure optimal compliance with the purpose and intent of this chapter. Evidence
 274 demonstrating that it is necessary shall be one or both of the following:
- 275 a. Submitted proof of lighting requirements of property insurance; or
- 276 b. Submitted research findings, from a qualified professional, as defined by Section 101-1-7,
 277 that offers a compelling argument for the need for the exemption;

Comment [c24]: Janet – Are you suggesting that flag lighting not be exempt from the shielding and not light trespass requirement? I think we can make it work.

Comment [c25]: 6 watts incandescent bulbs
This will allow some flexibility for pathway lights and string lighting.

Comment [c26]: 60 watt incandescent or 15 w fluorescent.

Comment [c27]: Acceptable?

Comment [c28]: We ready for this?
PC wanted this for the sanctuary lodge. Is the County ready for this for everything?

Comment [c29]: Check reference

Comment [c30]: Check reference

- 278 (11) Street lighting. Lighting required for public safety installed by a public entity or utility company
 279 along a public or private street;
- 280 (12) Underwater lighting. Underwater lighting in a swimming pool or other water features;
- 281 (13) Temporary lighting. Temporary lighting in use by law enforcement or government agencies or at
 282 their direction;
- 283 (14) Tower lighting. Lighting required by the FAA or the FCC, provided that it shall not exceed the
 284 minimum requirements of those agencies. Collision markers shall have a dual mode for day and
 285 night to minimize impact to the night sky and migrating birds; and
- 286 (15) Traffic control devices. Traffic control devices and signals.

Comment [c31]: Courtlan – is this needed here?

- 287
- 288 ~~(3) Residential and agriculture. Single-family dwellings, two-family dwellings and agricultural~~
 289 ~~uses shall be exempt from requirements of this chapter.~~
- 290 ~~(4) Variance. The board of adjustment may grant a special exemption to the requirements of~~
 291 ~~section 108-16-5 only upon written finding that there are extreme geographic or geometric~~
 292 ~~conditions warranting the exemption and that there are no conforming fixtures that would~~
 293 ~~suffice.~~

294 **Sec. 108-16-69. - Procedures for compliance.**

- 295 (a) Applications. Any application for a permit or approval required by this Land Use Code shall contain
 296 evidence that the proposed work complies with this chapter. ~~Any applicant for a land use permit~~
 297 ~~and/or building permit, intending to install outdoor lighting fixtures shall, as a part of said application,~~
 298 ~~submit evidence that the proposed work will comply with this chapter.~~
- 299 ~~(1) All other individuals intending to install outdoor lighting fixtures shall submit an application to the~~
 300 ~~county planning commission providing evidence that the proposed work will comply with this chapter.~~
- 301 ~~(2) Utility companies entering into a duly approved contract with the county in which they agree to~~
 302 ~~comply with the provisions of these regulations, shall be exempt from applying for and obtaining a~~
 303 ~~permit for the installation of outdoor light fixtures, including residential security lighting.~~
- 304 (b) Contents of application or submittal.
- 305 (1) In addition to the specific application requirements elsewhere in this Land Use Code, ~~the~~
 306 application submittal shall contain ~~but shall not necessarily be limited to the following, all or part~~
 307 of which may be part of or in addition to the information required elsewhere in the Weber
 308 County Land Use Code upon application for the required permits:
- 309 a. Plans indicating the location on the premises, and the type of illuminating devices, fixtures,
 310 lamps, supports, other devices, etc., of all artificial light sources on the premises, including
 311 their height above the ground.
- 312 b. Description of ~~the each artificial light source illuminating devices, fixtures, lamps, device,~~
 313 and supports ~~and other devices, etc.,~~ This description may include, but is not limited to,
 314 device specifications from the manufacturer, drawings, details, and cross sections, when
 315 available. ~~s catalog cuts, and drawings (including sections where applicable).~~
- 316 (2) The required plans and descriptions set forth in subsection (b) (1) of this section shall be
 317 complete and shall be presented in a manner that clearly demonstrates compliance with this
 318 Chapter. The Land Use Authority may require the applicant to submit attestation from a qualified
 319 professional that the submittal complies with this chapter. ~~sufficiently complete to enable the~~
 320 county planning director to readily determine whether compliance with the requirements of this
 321 chapter will be secured. If such plans and descriptions cannot enable this ready determination,
 322 by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the
 323 applicant shall submit evidence of compliance by certified test reports as performed by a
 324 recognized testing laboratory.

325 ~~(c)—Issuance of permit. Upon compliance with the requirements of this chapter, the county planning~~
326 ~~director shall issue a permit for installation of the outdoor lighting fixtures, to be installed as in the~~
327 ~~approved application. In the event the application is part of the land use permit and/or building permit~~
328 ~~or site design review, the issuance of the land use permit and/or building permit will be made if the~~
329 ~~applicant is in compliance with this chapter as well as the other requirements for issuance under the~~
330 ~~Land Use Code. Appeal procedures of this chapter are through the planning commission.~~

331 ~~(d)—Amendment to permit. Should the applicant desire to substitute outdoor light fixtures or lamps, or~~
332 ~~cause any change in the approved design, after a permit has been issued, the applicant shall submit~~
333 ~~all changes to the planning commission for approval, with adequate information to assure~~
334 ~~compliance with this chapter.~~

335 **Sec. 108-16-XX7. – Nonconforming lighting and amortization.** Amortization of nonconforming outdoor
336 lighting.

337 After the effect of this Chapter, which is January 1, 2017, all outdoor lighting that does not comply
338 with the requirements of this chapter shall be considered nonconforming outdoor lighting. All
339 nonconforming outdoor lighting shall be amortized in accordance with the following schedule:

340 (1) *Lighting conversion.* All nonconforming outdoor lighting shall be terminated, replaced, or
341 retrofitted to conform with the requirements of this chapter within seven years after the effect of
342 this Chapter;

343 (2) *Lighting replacement.* The replacement of any nonconforming outdoor artificial light source shall
344 comply with the requirements of this Chapter;

345 (3) *Building expansion.* When a building's expansion exceeds an established threshold, whether by
346 a single expansion project or by an accumulation of separate expansion projects, all
347 nonconforming outdoor lighting on or within 25 feet of the building shall be brought into
348 compliance with the requirements of this chapter. The established threshold of expansion shall
349 be the smaller of the following:

Comment [c32]: To much? To little?

350 a. 25 percent of the total area of the building as it exists at the time of the effect of this
351 chapter; or

352 b. 2,500 square feet.

353 (4) *Building exterior modification.* When the replacement of a building's exterior materials,
354 excluding repainting, exceeds an established threshold, whether by a single modification project
355 or by an accumulation of separate modification projects, all nonconforming outdoor lighting on
356 or within 25 feet of the building shall be brought into compliance with the requirements of this
357 chapter. The established threshold of modification shall be 25 percent of the exterior area,
358 excluding roofs.

Comment [c33]: To much? To little?

359 (5) *Site improvements.* When a site improvement which requires a land use permit, conditional use
360 permit, or design review approval, modifies an area of an established threshold, whether by a
361 single modification project or by an accumulation of separate modification projects, all
362 nonconforming outdoor lighting on the premises shall be brought into compliance with the
363 requirements of this chapter. The established threshold of modification shall be 25 percent of
364 the site area, or 20,000 square feet, whichever is smaller.

365 **Sec. 108-16-8. – Violations and enforcement.**

366 (a) *Violations.* The following constitute violations of this chapter:

367 (1) *The installation, maintenance, operation, of any lighting fixture not in compliance with the*
368 *provisions of this chapter.*

369 (2) *The alteration of outdoor lighting fixtures after a certificate of occupancy has been issued*
370 *without the review and approval of the Land Use Authority when such alteration does not*
371 *conform to the provisions of this chapter.*

372 (3) Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered as
373 required by this chapter.

374 (b) *Enforcement.* Violations of this chapter are subject to enforcement and penalties as outlined in this
375 Land Use Code. Additionally, the final approval of current or future plans, the issuance of a certificate
376 of occupancy, or the acceptance of new applications authorized by this Land Use Code may be
377 withheld until compliance with this Chapter is demonstrated.

378 **Sec. 108-16-9. – Graphic depictions of direct artificial light.**

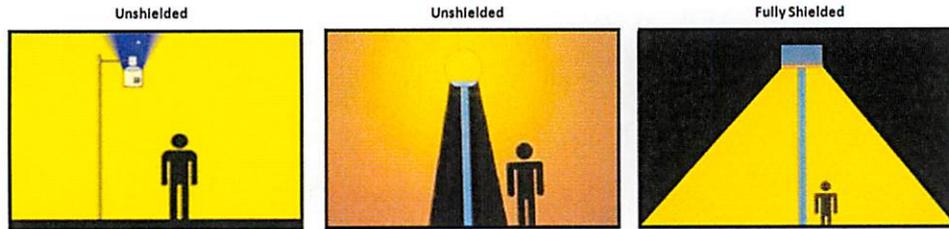
379 (Placeholder)



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380 **Sec. 108-16-10. – Graphic depictions of unshielded and shielded light sources.**

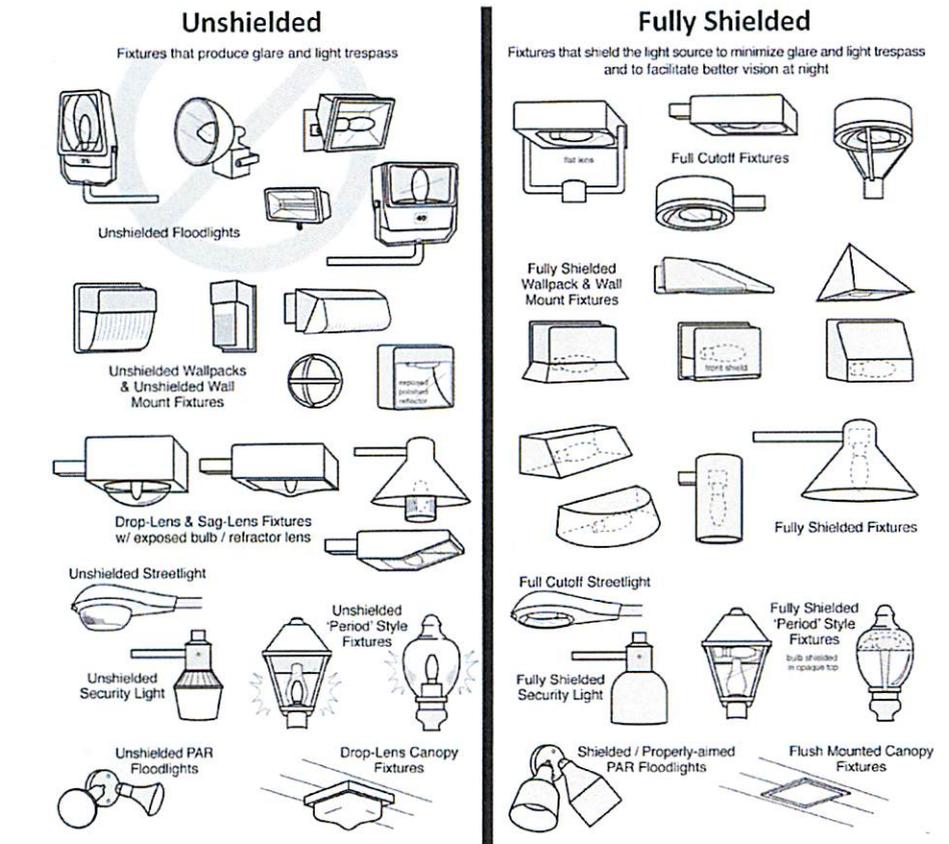
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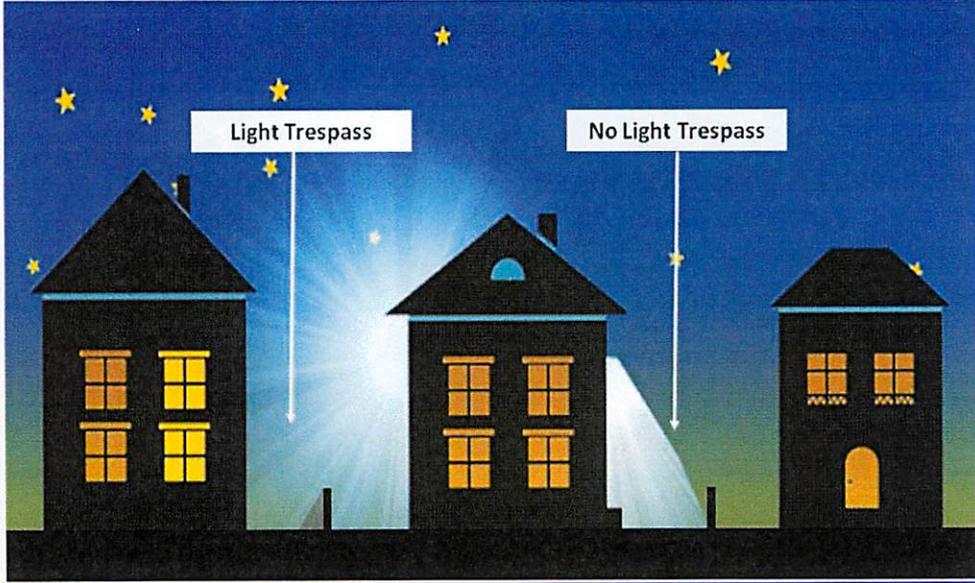


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387 Sec. 108-16-11. – Graphic depiction of light trespass.

388 (Placeholder)

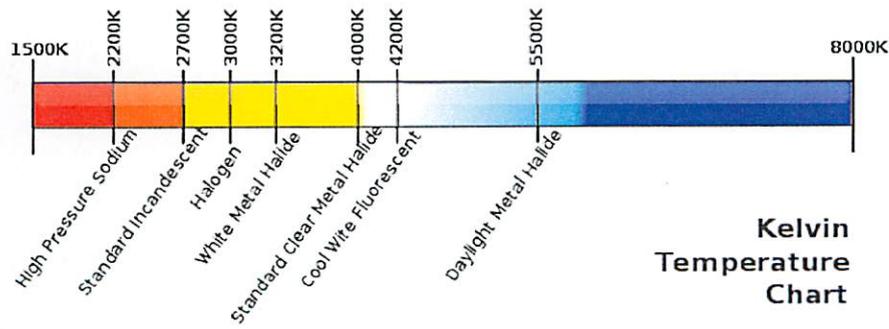


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390 Sec. 108-16-12. – Graphic depiction of standard Kelvin temperature chart.

391 (Placeholder)



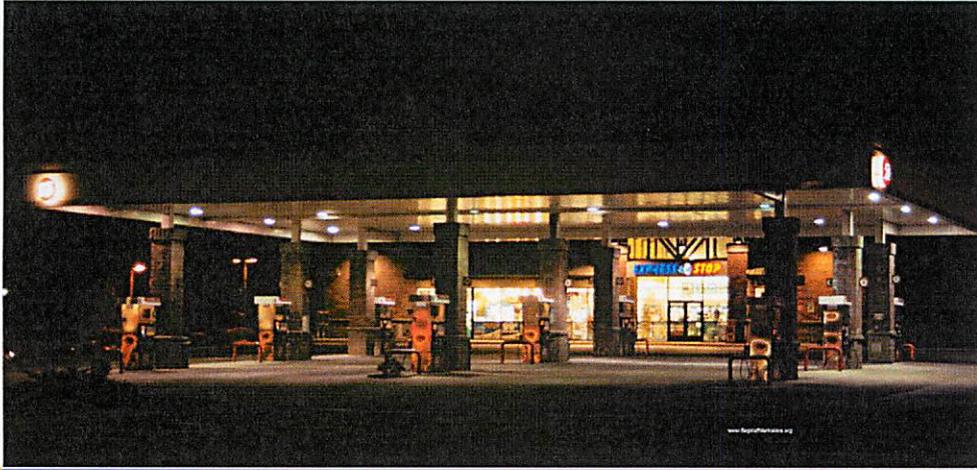
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393 Sec. 108-16-13. – Graphic depiction of parking lot lighting.

394 (Placeholder)

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395

396 Sec. 108-16-14. – Graphic depiction of parking lot lighting.

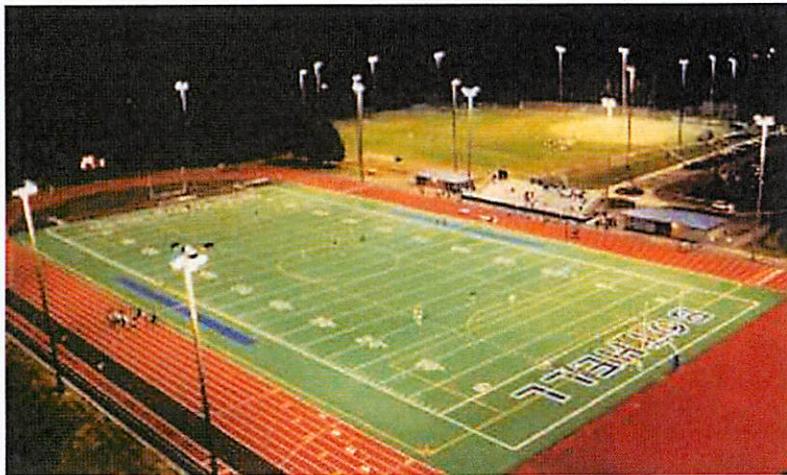
397 (Placeholder)

398 Sec. 108-16-15. – Graphic depiction of recreation facility lighting.

399 (Placeholder)



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16-10. Temporary exceptions.

403

(a) *Request for temporary exception.* Any individual may submit a written request to the county planning commission, for a temporary exemption to the requirements of this chapter, such exemption to be valid for up to three months. A written request for temporary exception shall contain minimally the following information:

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405

406

407

(1) Specific exemptions requested;

408

(2) Type and use of exterior light involved;

409

(3) Duration of time for requested exemption;

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(4) Type of lamp and calculated lumens;

411

(5) Total wattage of lamp or lamps;

Comment [c34]: There are not sufficient objective standards in this section. Under what circumstances would we deny an exception? How do we keep from being arbitrary and capricious.

412 | ~~(6) — Proposed location of exterior light;~~

413 | ~~(7) — Previous temporary exceptions, if any;~~

414 | ~~(8) — Physical size of exterior light and type of shielding provided.~~

415 | ~~In addition to the above data, the county may request any additional information which would enable a~~
416 | ~~reasonable evaluation of the request for temporary exception.~~

417 | ~~(b) — Appeal for temporary exemption. An appeal of a decision of the planning commission shall be heard~~
418 | ~~by the board of adjustment.~~