



EMIGRATION CANYON
METRO TOWNSHIP

Planning and Development Services

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<https://msd.utah.gov/msd-home/pds/>

Emigration Canyon Planning Commission

Public Meeting Agenda

Thursday, June 16, 2022 8:30 A.M.

Pursuant to Utah Code Ann. § 52-4-207(5), Andy Wallace has determined in his capacity as Chair of the Emigration Canyon Planning Commission that this meeting and/or public hearing will be held electronically without an anchor location given the ongoing Coronavirus disease 2019 (COVID-19) pandemic, which the Chair has determined to present a substantial risk to the health and safety of those who may be present at an anchor location. To participate in the meeting and to make public comments where indicated in the agenda, please use the below webinar instructions.

Location

Join meeting in WebEx

Meeting number (access code): 961 841 420

<https://slco.webex.com/join/wgurr>

Join meeting in WebEx (download available at <https://www.webex.com/downloads.html> for Windows, Android, and Apple devices)

Tap to join from a mobile device (attendees only)

[+1-213-306-3065](tel:+12133063065)..961841420## United States Toll (Los Angeles)

[+1-602-666-0783](tel:+16026660783)..961841420## United States Toll (Phoenix)

Join by phone

[+1-213-306-3065](tel:+12133063065) United States Toll (Los Angeles)

[+1-602-666-0783](tel:+16026660783) United States Toll (Phoenix)

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Join from a video conferencing system or application

Dial wgurr@slco.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Need help? Go to <http://help.webex.com>

**UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707.
TTY USERS SHOULD CALL 711.**

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and MSD staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items, which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

BUSINESS MEETING

- 1) Approval of the May 12, 2022 Planning Commission Meeting Minutes. (Motion/Voting)
- 2) Dark Skies Ordinance Working Update. **Planner(s):** Jim Nakamura/Matt Starley
- 3) Other Business Items. (As needed)

PUBLIC HEARING(S)

OAM2022-000601 – An Ordinance amending the Emigration Canyon Land Use Code, Foothill Canyons Overlay Zone (FCOZ), Section 19.72.130, “Stream Corridor and Wetlands Protection.” The proposed amendment will amend the Perennial Stream Corridor Setback for Buildings, accessory structures, and parking lots from 100’ to 50’ measured from the ordinary high-water mark. The proposed amendment will eliminate setback requirements for on-site wastewater disposal systems, which are regulated by Salt Lake County Health Department. **Planner:** Jim Nakamura (Motion/Voting)

ADJOURN

Rules of Conduct for Planning Commission Meetings

PROCEDURE FOR PUBLIC COMMENT

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission.
2. Unless altered by the Chair, the order of the procedure on an application shall be:
 - a. The supporting agency staff will introduce the application, including staff's recommendations and a summary of pertinent written comments and reports concerning the application
 - b. The applicant will be allowed up to 15 minutes to make their presentation.
 - c. The Community Council representative can present their comments as applicable.
 - d. Where applicable, persons in favor of, or not opposed to, the application will be invited to speak.
 - e. Where applicable, persons opposing the application, in whole or in part will be invited to speak.
 - f. Where applicable, the applicant will be allowed 5 minutes to provide concluding statements.
 - g. Surrebuttals may be allowed at the discretion of the Chair.

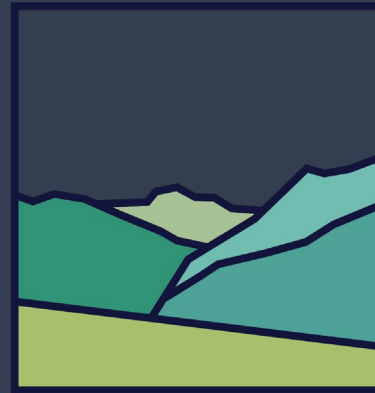
CONDUCT FOR APPLICANTS AND THE PUBLIC

1. Speakers will be called to the podium by the Chair.
2. Each speaker, before talking, shall give his or her name and address.
3. All comments should be directed to the Commissioners, not to the staff or to members of the audience.
4. For items where there are several people wishing to speak, the Chair may impose a time limit, usually 3 minutes per person, or 5 minutes for a group spokesperson. If a time limit is imposed on any member or spokesperson of the public, then the same time limit is imposed on other members or spokespersons of the public, respectively.
5. Unless otherwise allowed by the Chair, no questions shall be asked by the speaker or Commission Members.
6. Only one speaker is permitted before the Commission at a time.
7. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application.
8. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.
9. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding.
10. No applause or public outbursts shall be permitted.
11. The Chair or supporting agency staff may request police support to remove offending individuals who refuse to abide by these rules.
12. After the public comment portion of a meeting or hearing has concluded, the discussion will be limited to the Planning Commission and Staff.

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Dark Sky Ordinance

Emigration Canyon Metro Township



Greater Salt Lake Municipal Services District

Planning and Development Services

Dark Sky Ordinance: Table of Contents

We have cobbled together a first draft of the ordinance. We would like to come to you to present progress made and get feedback on general construction of the ordinance, potential graphic creation, and a short list of ordinance specifics.

Purpose:

Definitions:

Scope and Applicability:

Outdoor Lighting - Fully Shielded Fixture Requirements:

Conditions and Standards Generally:

Specialized Outdoor Lighting:

Prohibited Lighting:

Hillsides, Ridgelines and Special Cases:

Towers:

Exemptions:

Application and Review Procedures:

Violations:

Purpose:

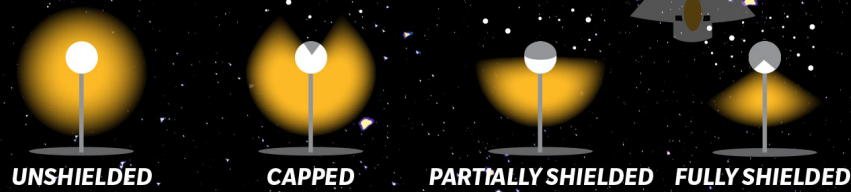
The purposes of this chapter are to:

- Encourage outdoor lighting practices that will minimize light pollution, glare, light trespass, and sky glow to curtail the degradation of the night sky visual environment.
- Encourage lighting practices that promote energy conservation.
- Maintain nighttime safety, utility, and security, prevent unnecessary or inappropriate outdoor lighting, and lighting nuisances on properties.
- Maintain the rural atmosphere and village character of the Metro Township. (Ord., 3-10-2016)

Definitions:

For the purpose of this chapter, certain words, phrases and terms used herein shall have the meanings assigned to them by this section:

LIMITING LIGHT POLLUTION

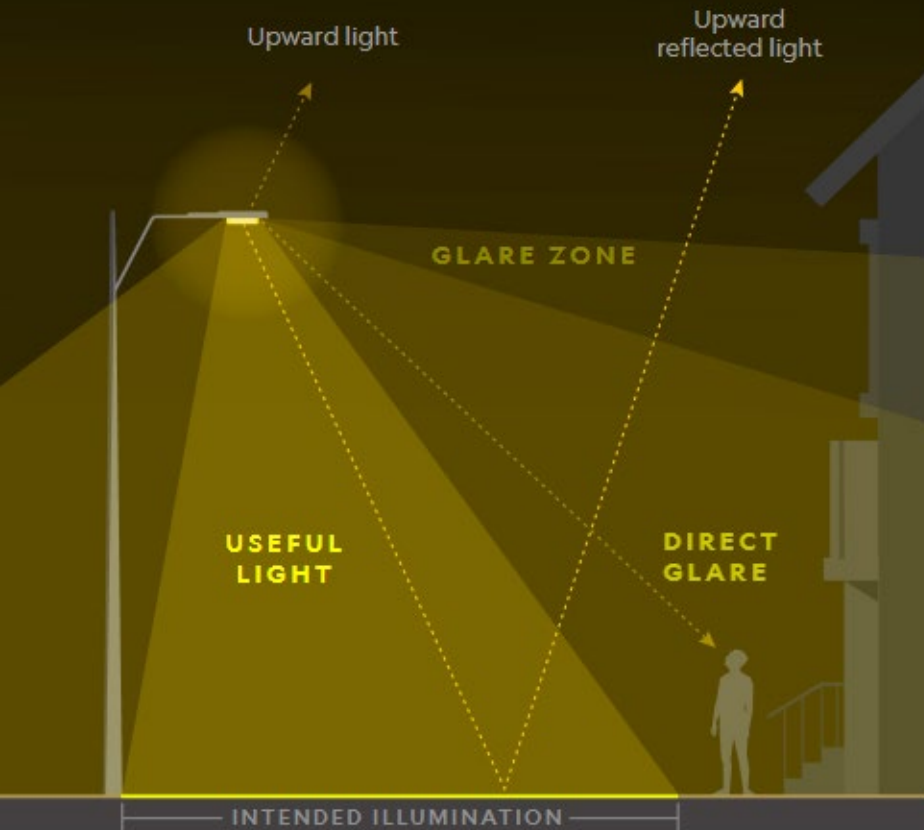


Outdoor lighting fixtures that are not properly shielded and directed to reduce glare contribute to both skyglow and light trespass—unwanted light that makes its way onto neighboring properties.

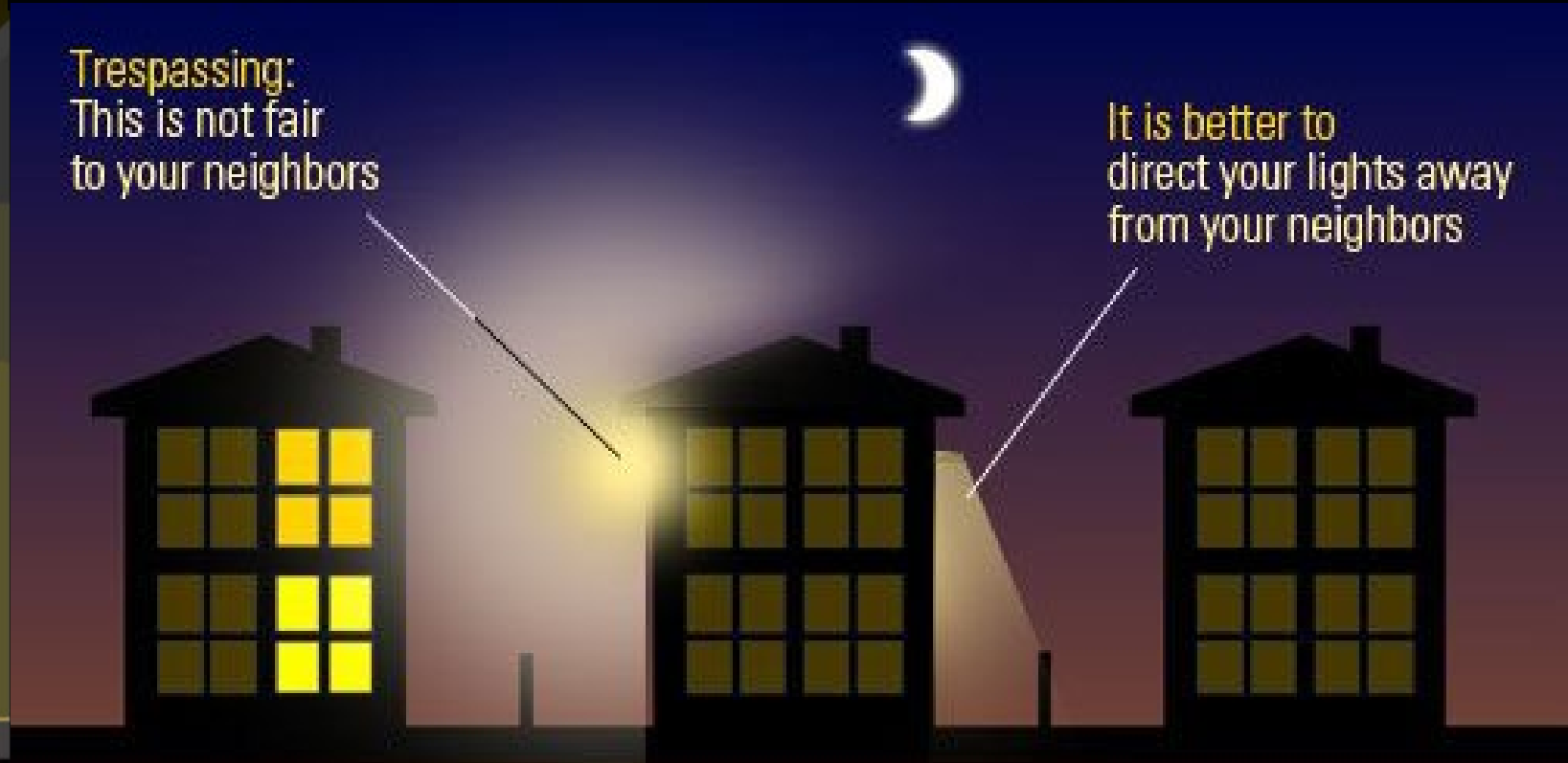
Partially or fully shielded lighting fixtures reduced light pollution and glare while continuing to brighten a desired area.

but their light is often poorly directed, causing undesirable brightness and increasing light pollution.

SKY GLOW



Trespassing:
This is not fair
to your neighbors

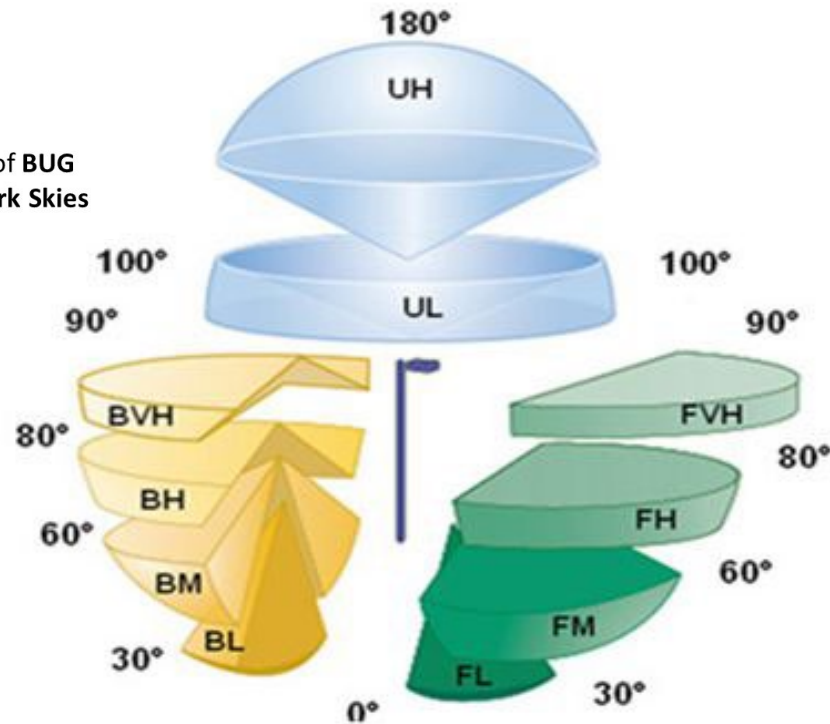


It is better to
direct your lights away
from your neighbors

ActiveLED Update



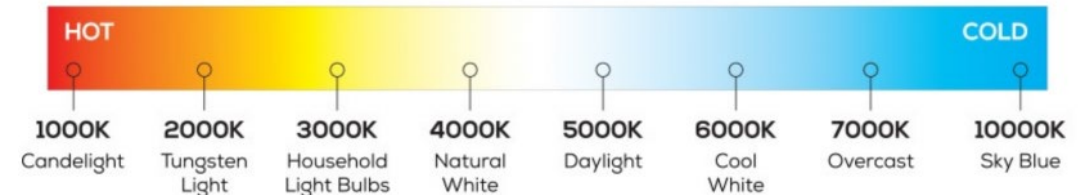
Application of BUG ratings for Dark Skies



- **Bx-U0-Gx** – Must have a “U” rating of “0” resulting in NO uplight
- The appropriate glare rating is determined by the community.

YOU USED TO BUY		YOUR CHOICES NOW		
LEAST EFFICIENT		MOST EFFICIENT		
	Standard Incandescents	New Halogen Incandescents	CFLs	LEDs
450 lumens	40 W \$5.34/yr	29 W \$3.87/yr	10 W \$1.34/yr	5 W \$0.67/yr
800 lumens	60 W \$8.02/yr	43 W \$5.74/yr	13 W \$1.74/yr	10 W \$1.34/yr
1100 lumens	75 W \$10.02/yr	53 W \$7.08/yr	16 W \$2.14/yr	15 W \$2.00/yr
1600 lumens	100 W \$13.36/yr	72 W \$9.62/yr	20 W \$2.67/yr	19 W \$2.54/yr (limited availability)
	TYPICAL LIFE = 1 year*	TYPICAL LIFE = 1-2 years	TYPICAL LIFE = 10 years	TYPICAL LIFE = 15-25+ years

* rated life is based on 3 hours of use per day



Scope and Applicability

Compliance: All exterior outdoor lighting installed after the effective date hereof in all zones in the Metro Township shall conform to the requirements established by this chapter. **This chapter does not apply to indoor**

lighting. However, light trespass from interior lighting that negatively impacts adjacent properties is also prohibited.

That is basically the intent, but we will maybe want to get a little more articulate about indoor lighting on slope, which might require us to change this wording...

Outdoor Lighting - Fully Shielded Fixture Requirements

- **Spotlights** controlled by motion sensors having a light output less than one thousand (1000) lumens per lamp (allowing a maximum of a 60 watt incandescent, 43 watt halogen, 13 watt compact fluorescent bulb, or a 10 watt LED) are exempt from the full cutoff requirement, provided:
 - The fixture is a spotlight or other type of directed light that shall be directed at a forty-five degree (45°) angle or less, where the zero angle is pointing straight down, and
 - The fixture must not be placed in such a manner that results in illumination being directed outside the property boundaries where the light fixtures are located, and
- The lights controlled by motion sensors shall not be triggered by movement or activity located off the property on which the light is located.
 - The fixture must be hooded or shielded to the extent necessary to prevent glare on adjacent properties or roadways.
- **Pathway lights** less than eighteen inches (18") in height are exempted from the full cutoff fixture requirement, if the total light output from each pathway light is less than three hundred (300) lumens and the lights have opaque caps that direct light downward.

Conditions and Standards Generally

- **Commercial Properties** - The total amount of outdoor lighting, whether shielded or unshielded, shall not exceed twenty-five thousand (25 000) lumens per net acre.
- **Residential Properties** - Five thousand (5000) lumens per net acre. Partially and unshielded lighting on a property shall not exceed One thousand (1,000) lumens per lot and shall be included in the total outdoor light output calculations. Residential units used for overnight accommodations or other commercial uses shall comply with the residential standards for total light output.
- **Multi-Family Residential Properties** - Total outdoor light output of any apartment development shall not exceed twenty thousand (20,000) lumens of lighting per net acre.

Specialized Outdoor Lighting:

Roadway/Streetlights: Roadway and streetlights are prohibited unless recommended by the City engineer or required by UDOT to provide for the safety of the public. When deemed necessary, streetlights shall utilize lamp types that are fully shielded luminaires that minimize sky glow, light trespass, and other unintended impacts of artificial lighting. All streetlights shall utilize the lowest illuminance levels acceptable to the City Engineer and/or UDOT.

Prohibited Lighting:

The following are prohibited:

- **Uplighting** to illuminate buildings and other structures, or vegetation, except as allowed by other provisions in this chapter.
- **Flashing, blinking, intermittent** or other lights that move or give the impression of movement, not including holiday lighting between November 15 and January 15.
- **Floodlights** or **spotlights affixed to buildings** for the purpose of lighting parking lots or sales display lot areas.
- Searchlights, laser source lights or any similar **high intensity light**.
- Except when used in window signage pursuant to subsection 9-4-7F4 of this chapter, neon or luminous tube lighting, either when outdoor mounted or indoor mounted if visible beyond the property boundaries. (Ord., 3-10-2016)

Hillsides, Ridgelines and Special Cases

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

We will want to add some information to this.... What is criteria that could define a hillside? >15% slope? How close to a hillside? Maybe this is FCOZ stuff?

Towers

All **monopole, antenna, tower, or support facility lighting** not required by the federal aviation administration (FAA) or the federal communications commission (FCC) is prohibited.

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

C. All other lighting used on the property not regulated by the FAA or FCC **shall conform** to this chapter.

Exemptions:

The following shall be exempt from the requirements of this chapter:

Holiday lighting from November 15 to January 15 as long as it does not create a hazard or nuisance to surrounding businesses or residences.

Traffic control signals and devices.

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

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 and have caps that direct the light downward.

The planning commission, as part of its review as outlined in this chapter, **may approve lighting that does not conform** to these standards if need is established. An applicant requesting such lighting is required to provide proof of requirements of property insurance or findings of competent research demonstrating the need for the requested lighting. The planning commission may attach other conditions to the approval of such lighting that will make the lighting comply with the spirit of this chapter. (Ord., 3-10-2016)

Application and Review Procedures

Lighting Plans Required: All sign permit applications, building permit applications and design/development review applications within any zoning district shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources will comply with this chapter.

Lighting Plan 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, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. For commercial uses, photometric diagrams of proposed

lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide sufficient information regarding the light fixture, bulb wattage, and shielding mechanisms for the planning commission to be able to determine compliance with the provisions of this chapter.

3. A table showing the total amount of proposed exterior lights, by fixture type, wattage, lumens and lamp type.

Approval Procedure:

1. The lighting plan for all new development shall be submitted for approval concurrent with the associated application process. (Ord., 3-10-2016)

2. A certificate of occupancy shall not be issued until such time as the property is subject to a post installation nighttime inspection by the building inspector. (Ord., 3-10-2016; amd. 2016 Code)

Violations

The following constitute violations of this chapter:

The **installation, maintenance, or operation** of any lighting fixture not in compliance with the provisions of this chapter if such fixture is installed subsequent to the date when this chapter is formally adopted.

The **alteration** of outdoor lighting fixtures after a certificate of occupancy has been issued without the review and approval of the planning commission when such alteration does not conform to the provisions of this chapter.

Failure to shield, correct or remove lighting that is installed, operated, maintained or altered in violation of this chapter.

File # OAM2022-000601

Ordinance Amendment Related to Stream Setbacks in the Foothills and Canyons Overlay Zone

Public Body	Emigration Canyon Planning Commission
Meeting Dates	June 16 th , 2022
Proposal	An Ordinance amending the Emigration Canyon Land Use Code, Foothill Canyons Overlay Zone (FCOZ), Section 19.72.130, "Stream Corridor and Wetlands Protection." The proposed amendment will amend the Perennial Stream Corridor Setback for Buildings, accessory structures, and parking lots from 100' to 50' measured from the ordinary high-water mark.
Planner	Jim Nakamura
Recommendation	Approve the ordinance as proposed

DESCRIPTION OF THE PROPOSAL

The Emigration Canyon Planning Commission has been engaged in the process of assessing and considering amendments to the Foothill Canyons Overlay Zone (FCOZ). The Planning Commission recognizes the need for consistency with partner agency standards and the standards in the FCOZ. As such, the MSD Planning staff was directed to craft an ordinance to amend the FCOZ for the health, safety, and well-being of its residents and visitors.

The purpose of the proposed code amendment to the FCOZ is to adjust the setback standard for development from a perennial stream to be consistent with the Salt Lake County Health Department and Salt Lake City Public Utilities water shed regulations. As such, the proposed amendment reduces the setbacks to a perennial stream corridor from 100 feet to 50 feet. Mention of the 100' Setback from a onsite wastewater system to a perennial stream corridor will be removed from chapter 19.72.130 as this Setback is regulated by the State of Utah and Health Department rules and regulations

PUBLIC NOTICE AND COMMENT

Public notice was provided in accordance with Utah Code 17-27a-205. Public notice was mailed to affected entities, notice was posted in three public locations, and notice was posted on the Utah Public Notice Website at least 10 days prior to the public hearing on June 16, 2022.

At the time of writing this report, no written comments have been received by the MSD Department of Planning and Development Services.

OPTION FOR THE PLANNING COMMISSION

The Planning Commission has three options with respect to the proposed ordinance amendment:

- Option 1: Recommend approval of the ordinance as proposed to Council; or
Option 2: Recommend approval of the ordinance with amendments to Council; or
Option 3: Recommend denial of the ordinance to Council.

STAFF RECOMMENDATION

Staff recommends that the Emigration Canyon Planning Commission recommend approval of the ordinance as proposed.

EXHIBITS

1. Public Notice
2. Illustration of set back from perennial stream corridor



NOTICE OF PUBLIC HEARING EMIGRATION CANYON PLANNING COMMISSION

NOTICE IS HEREBY GIVEN Pursuant to Utah Code Title 10, Chapter 9a, Section 205, that the Emigration Canyon Planning Commission (the "Commission") will hold a public hearing on Thursday, June 16, 2022 at 8:30 AM. The purpose of the hearing is to receive public comment regarding the below proposed changes to land use ordinances as follows:

1. **OAM2022-000601** – An Ordinance amending the Emigration Canyon Land Use Code, Foothill Canyons Overlay Zone (FCOZ), Section 19.72.130, "Stream Corridor and Wetlands Protection." The proposed amendment will amend the Perennial Stream Corridor Setback for Buildings, accessory structures, and parking lots from 100' to 50' measured from the ordinary high-water mark. The proposed amendment will eliminate setback requirements for on-site wastewater disposal systems, which are regulated by Salt Lake County Health Department.

The Planning Commission will act on the proposed ordinances after taking comments from the public during the public hearing. The public and affected entities are also invited to review and inspect the proposed ordinances at <https://www.utah.gov/pmn/index.html> and <https://www.msd.utah.gov/>

Pursuant to Utah Code Ann. § 52-4-207(5), Andy Wallace has determined in his capacity as Chair of the Emigration Canyon Planning Commission that this meeting and/or public hearing will be held electronically without an anchor location given the ongoing Coronavirus disease 2019 (COVID-19) pandemic, which the Chair has determined to present a substantial risk to the health and safety of those who may be present at an anchor location. To participate in the meeting and to make public comments where indicated in the agenda, please use the below webinar instructions.

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You may also obtain copies of the ordinances and submit written comments prior to the public hearing by contacting Wendy Gurr at wgurr@msd.utah.gov or (385) 468-6707. Individuals needing special accommodations (including ancillary communicative aids and services) during this public hearing should contact Ms. Gurr three days before the public hearing.

exhibit 2

