



EMIGRATION CANYON  
METRO TOWNSHIP

## Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

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

# Emigration Canyon Planning Commission

## Public Meeting Agenda

**Thursday, August 11, 2022 8:30 A.M.**

**\*\*AMENDED\*\***

*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/meet/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##](tel:+16026660783) United States Toll (Los Angeles)

[+1-602-666-0783](tel:+16026660783), [961841420##](tel:+16026660783) 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)

Access code: 961 841 420

#### Global call-in numbers

#### Join from a video conferencing system or application

Dial [wgurr@slco.webex.com](mailto: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) Planning Commission introductions for the new Commissioner, Jodi Geroux.
- 2) Approval of the July 14, 2022 Planning Commission Meeting Minutes. (Motion/Voting)

### **LAND USE APPLICATION(S)**

**PER2021-000249** - Evan Glassman is requesting an exception to the FCOZ standards for an access driveway crossing slopes in excess of 30% as allowed under section 19.72.060.D(1). **Zone:** FR-20 & FR-.5. **Location:** 1162 North Pinecrest Canyon Road. **Planner:** Jim Nakamura (Motion/Voting)

### **BUSINESS MEETING (Cont.)**

- 3) Discussion on Dark Skies Ordinance draft and review. **Planner:** Matthew Starley
- 4) Other Business Items. (As needed)

### **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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METRO TOWNSHIP

## Planning and Development Services

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### MEETING MINUTE SUMMARY EMIGRATION CANYON PLANNING COMMISSION MEETING Thursday, July 14, 2022 8:30 a.m.

**Approximate meeting length:** 39 minutes

**Number of public in attendance:** 0

**Summary Prepared by:** Wendy Gurr

**Meeting Conducted by:** Commissioner Wallace

**\*NOTE:** Staff Reports referenced in this document can be found on the State website, or from Planning & Development Services.

## ATTENDANCE

### Commissioners and Staff:

Commissioners	Public Mtg	Business Mtg	Absent
Andrew Wallace (Chair)	x	x	
Alex Pacanowsky			x
Jim Karkut	x	x	
Dale Berreth	x	x	
Tim Harpst (Vice Chair)	x	x	
Jodi Geroux	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Jim Nakamura	x	x
Matt Starley		
Lilian Taft		
Adam Long		

## BUSINESS MEETING

**Meeting began at – 8:33 a.m.**

- 1) Approval of the June 16, 2022 Planning Commission Meeting Minutes. (Motion/Voting)

**Motion:** To approve June 16, 2022 Planning Commission Meeting Minutes as presented.

**Motion by:** Commissioner Wallace

**2<sup>nd</sup> by:** Commissioner Harpst

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

- 2) Other Business Items. (As needed)

*No other business items to discuss.*

## PUBLIC HEARING(S)

**Hearing began at – 8:35 a.m.**

**OAM2022-000601 (Continued from June 16, 2022)** - 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)

*Greater Salt Lake Municipal Services District Planner Jim Nakamura provided an analysis of the staff report.*

*Commissioner Wallace motioned to open the public hearing.*

### **PUBLIC PORTION OF HEARING OPENED**

*No one from the public was present to speak.*

*Commissioner Wallace motioned to close the public hearing, Commissioner Harpst seconded that motion.*

### **PUBLIC PORTION OF HEARING CLOSED**

**Motion:** To recommend denial to the Emigration Canyon Council on file #OAM2022-000601 for 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 with the following denial recommendations until such time it makes sense to do so.

1. Improve wording in the ordinance down the road.
2. Point out letters of opposition received and discussion today as logic of reason, open to review once the additional information is available.
3. No need to change the ordinance currently or to the extent that Salt Lake Valley Health Department regulation number 14 attempting to achieving consistency with proposed amendment is still an ordinance and different, ordinance is still quite different.
4. Second goal of consistency is not achieved. Not necessary to modify ordinances to achieve consistency across the board if there are underlying circumstances that are different in the relevant areas.
5. To date, not aware of enough similarities between watershed issues and Emigration Canyon and those elsewhere that believe that we just need to do an ordinance amendment to have the same numbers of other ordinances.
6. Input from governmental entities, Salt Lake County Health, stormwater runoff that have provided some reason for not moving forward. State of Utah is involved in a study involving stormwater runoff that isn’t completed. Comments received, could lead to that study, and help decide what degree the need to further tailor the setbacks in the ordinance and own Metro Township Council involved in developing watershed protection strategy and until its completion, any tinkering is premature.

**Motion by:** Commissioner Wallace

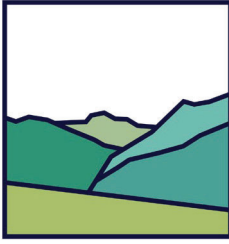
**2<sup>nd</sup> by:** Commissioner Harpst

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

*Commissioner Wallace motioned to adjourn.*

### **MEETING ADJOURNED**

**Time Adjourned – 9:12 a.m.**



GREATER SALT LAKE

**Municipal Services  
District**

Planning and Development Services

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## EMIGRATION CANYON

METRO TOWNSHIP

File # PER2021-000249

# FCOZ Waiver Summary and Recommendation

Public Body: Emigration Township Planning Commission

Meeting Date: August 11, 2022

Parcel ID: 10-27-126-089, 10-27-126-014, 10-27-126-090 and 10-27-126-076

Current Zone: FR-.5 & FR-20

Property Address: 1162 N Pinecrest Canyon Rd.

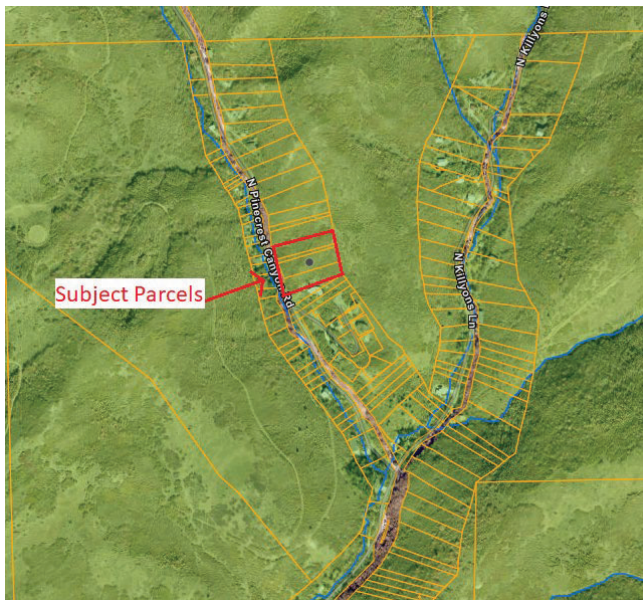
Request: Planning Commission exception to grading standards for access driveway per 19.72.060.D(1) of the Emigration Township Municipal Code.

Planner: Curtis Woodward

Planning Staff Recommendation: Approval with conditions (see below)

Applicant Name: Evan Glassman

## SITE & VICINITY DESCRIPTION



The three lots are located on the East side of Pinecrest Canyon Road and are currently vacant. The property immediately north is undeveloped, and the property to the south has a single family residence. The properties to



the west (on the other side of Pinecrest Canyon Road) have single family dwellings. Property to the east is publicly owned open space.

## PROJECT BACKGROUND AND DESCRIPTION

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The applicant made formal application (2021) on lots 30, 32 and 34 of the Killyons Subdivision, located in Pinecrest Canyon. During the early discussions of the project, staff indicated that the big hurdle would be access due to the steep slopes above the initial road cut of Pinecrest Canyon Road. Initial calculations indicated that approximately 22-25 feet of cut would need to be retained. Based on the FCOZ grading requirements (retaining wall restrictions and slope of driveway) this access is not possible.

The applicant then proposed the "Nilex" a geogrid system, a solution primarily used for retaining for steep canyon roads as an alternative to retain the slope. However, because no "Nilex" residential applications could be found, the Emigration planning commission would not entertain a change to their ordinance.

At this point the applicant submitted an engineered driveway plan which could retain the slope, but this solution proposed 3 retaining walls. The current ordinance has a limit of 2 retaining walls that are no more than 6 feet tall. The grading reviewer at the time, Greg Baptist, did let the applicant know that the ordinance in the past had allowed for 2 terraces rather than a 2-wall limit, and that he would support the applicant for a waiver to the planning commission.

The applicant is applying for approval for vehicular access to the buildable areas of Lots 30, 32, and 34, Block 2, Killyons Subdivision, generally known by the address: 1162 N. Pinecrest Canyon Rd. To access those areas, a driveway with emergency vehicle turn-around is required from Pinecrest Canyon Road to the building pad sites. The applicant submitted formal application in 2021, and has been working on various potential solutions, but at this point, it appears that construction of the access is not possible without relief from some of the FCOZ restrictions.

## ISSUES OF CONCERN/PROPOSED MITIGATION

---

Previous versions of the Foothills and Canyons Overlay zone restricted terraced grading plans to a maximum of two "terraces." In working with applicants in the past, the County grading reviewers allowed 3 retaining walls with the two terraces being located: 1) between the upper and middle wall and 2) between the middle and lower wall. When FCOZ was revised in 2018, the verbiage was changed to allow a maximum of 2 retaining walls rather than 2 terraces. While the design proposed by the applicant complies with the old code, it does not comply with current code.

Planning Staff and legal counsel for Emigration are both in concurrence that while the more restrictive grading/retaining wall standards are appropriate for the building site itself, the relief avenue specific to "any street, road, private access road or other vehicular route" allows the planning commission to approve a plan for access across steeper slopes, with mitigation measures in place. In this case, the terraced areas between the proposed retaining walls can include drought tolerant plant materials designed to partially shield the retaining walls from view.

## PLANNING STAFF ANALYSIS

---

Section 19.72.060.D specifically applies to properties that were lots of record in subdivisions approved prior to the enactment of FCOZ. Killyons Subdivision was platted in 1909, pre-dating FCOZ by 89 years.

The Criteria for approval of the waiver set forth in 19.72.060.D(2) are as follows:



*2. The Planning Commission may only waive or modify these standards upon satisfaction of the following criteria:*

*a. Strict compliance with the above slope protection standards*

*i. renders the site undevelopable;*

*ii. results in substantial economic hardship not created by the applicant or otherwise self-imposed; or*

*iii. results in a building location that requires excessive grading, vegetation removal, or driveway distances in conflict with the purposes of this Chapter and*

*b. The development (and related development activities) substantially conforms to all other development, site design, and environmental standards of this Chapter and in all other applicable ordinances and codes.*

(2a.) Because the portions of the lots with buildable slopes are located uphill from the road, crossing the steeper slopes is necessary to render the site buildable. Placing the building pads on the areas with lesser slopes will result in less grading being required for the buildings themselves. It is also important to note that for safety purposes, the maximum finished slope of the access driveway cannot exceed 15%, with the portion of the driveway within 20 feet of the road restricted to 10% maximum slope. Those slope restrictions, when combined with the existing topography necessitate the use of retaining walls and/or significant regrading of the site.

(2b.) The proposed access road configuration substantially conforms to the design standards of FCOZ in that it will require less regrading of slopes above the top retaining wall than previous plans for the site. The end result will be less visually intrusive than the "Nilex" geogrid system being previously considered.

## **PLANNING STAFF RECOMMENDATION**

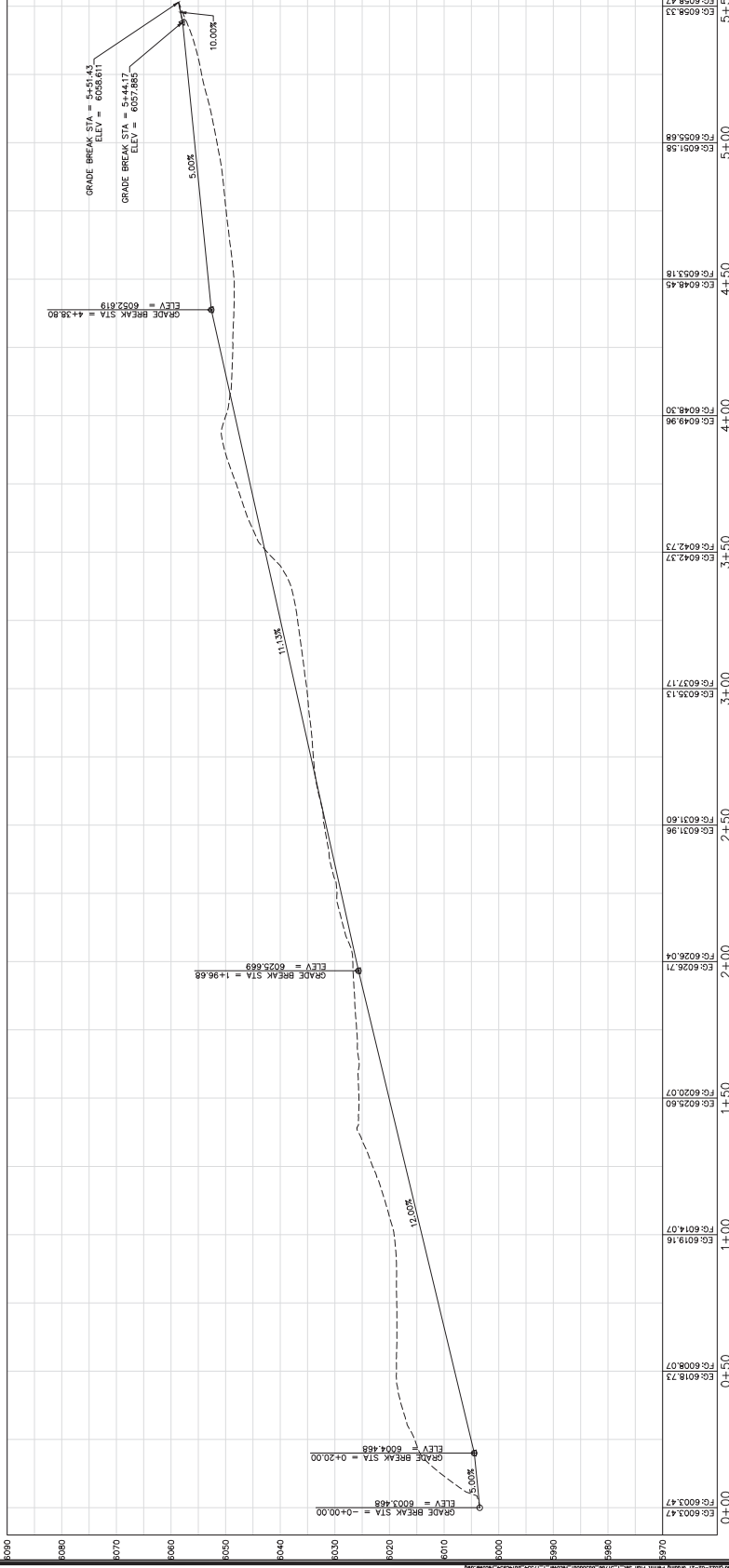
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Staff recommends approval of the request for slope waiver with the following conditions:

1. The terraces between retaining walls shall be planted with drought-tolerant plant materials that will grow to a height of at least 2 ½ feet to partially shield the retaining walls from view. A landscape plan must be submitted to Planning Staff for approval at the time of grading permit.
2. This waiver is for the vehicular access only. Each building site is to fully comply with the grading standards of section 19.72.070 of the Emigration Canyon Municipal Code.



DRIVEWAY\_CENTERLINE PROFILE



**WARNING**  
CALL BLUE STAKES



REV/DATE

DRAWN: DSE  
CHECKED: DSE  
REVIEWED: DSE  
PROJECT #

SCALE: 0  
HORIZ: 1"=20'  
VERT: 1"=10'  
SHEET 0 OF 20 SHEETS

PROJECT NAME  
PINECREST SHARED DRIVEWAY

SHEET TITLE  
DRIVEWAY PROFILE

PLAN SET  
GRADING PERMIT  
1.3











## REVIEWING AGENCIES RESPONSE

---

AGENCY: Grading

DATE: 7/29/22

RECOMMENDATION:

1. The calculations on your most recent plans for the driveway are within the current regulations.
2. Only 2 6 foot retaining walls are allowed in the FCOZ ordinance (19.72.070) unless the planning commission approves a waiver. Currently your plans list 3 6 foot walls.

Compliance with current building, construction, engineering, fire, health, landscape and safety standards will be verified prior to final approval.

AGENCY: Unified Fire Authority

DATE: 4/21/22

RECOMMENDATION: Conceptual Approval

Those adjustments have made great improvements on the access that will be beneficial to both the ability to navigate the first turn and the integrity of the shoulder and base of the road. I have stamped my approval on the plan. This drive will greatly increase the ability to respond in a timely manner. Automatic Fire Sprinklers will still be required and Code Modifications will still be required to be submitted due to the inability to get the driveway to be code compliant.

**From:** [Margot McCallum](#)  
**To:** [Wendy Gurr](#)  
**Subject:** Evan Glassman application  
**Date:** Wednesday, August 3, 2022 5:08:08 PM

---

I am writing to object to this FCOS exception. If we are to protect our hills and lands, the FCOS Restrictions are a good starting point.

I live across the street, at [REDACTED], and would be directly affected by slides, mud, and an overall loss of enjoyment of my property both during and after the proposed construction.

I hope the Committee will vote for land protection and vote "No" on Mr Glassman's request.

Thank you for your attention.

Margot McCallum

LAND USE APPLICATION(S)

PER2021-000249 - Evan Glassman is requesting an exception to the FCOZ standards for an access driveway crossing slopes in excess of 30% as allowed under section 19.72.060.D(1). Zone: FR-20 & FR-.5. Location: 1162 North Pinecrest Canyon Road. Planner: Jim Nakamura (Motion/Voting)

# Emigration Canyon Metro Township

DARK SKY ORDINANCE | UPDATE OF MUNICIPAL CODE:  
19.73.110 NIGHT LIGHTING

GREATER SALT LAKE COUNTY MUNICIPAL SERVICES DISTRICT | PLANNING  
AND DEVELOPMENT SERVICES

*(Draft) 7/21/2022*

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## Purpose

The purposes of this chapter are to:

- Encourage outdoor lighting practices that will minimize light pollution, glare, light intrusion, 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 and 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

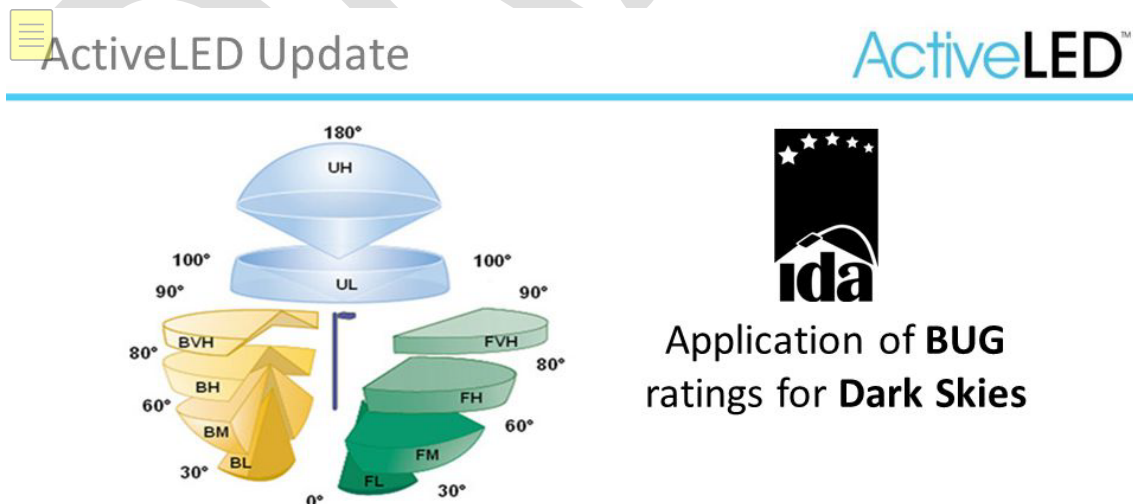
For the purpose of this chapter, certain words, phrases and terms used herein shall have the meanings assigned to them by this section:

**Accent or Architectural Lighting:** Lighting of building surfaces, landscape features, statues, and similar items for the purpose of decoration or ornamentation; or lighting that does not contribute to the safety or security of residents, guests, employees, or customers on a property.

**Backlight:** All the light emanating behind a luminaire.

**B.U.G. Rating:** A BUG Rating stands for backlight, uplight, and glare. Backlight (B) is the light directed behind the fixture, uplight (U) is any light directed upward above the horizontal plane of the luminaire, and glare (G) is the amount of light emitted from the luminaire at high angles.

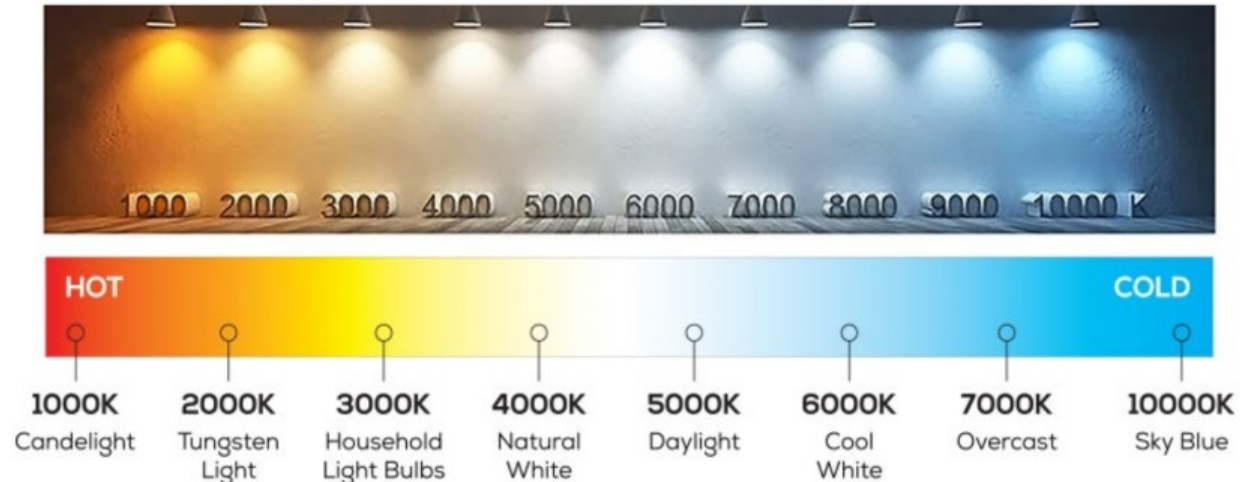
Figure 1: Explanation of BUG Ratings



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

**Correlated Color Temperature (CCT):** A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees kelvin (K).

Figure 2: Correlated Color Temperature



**Direct Illumination:** Illumination resulting from light emitted directly from a lamp, luminary, or reflector. This does not include light reflected from other surfaces, such as the ground or building faces.

**Floodlight:** A specific partially or fully shielded form of lamp or fixture designed to direct its output in a specific direction. Such lamps are often designated by the manufacturer and are commonly used in residential outdoor lighting.



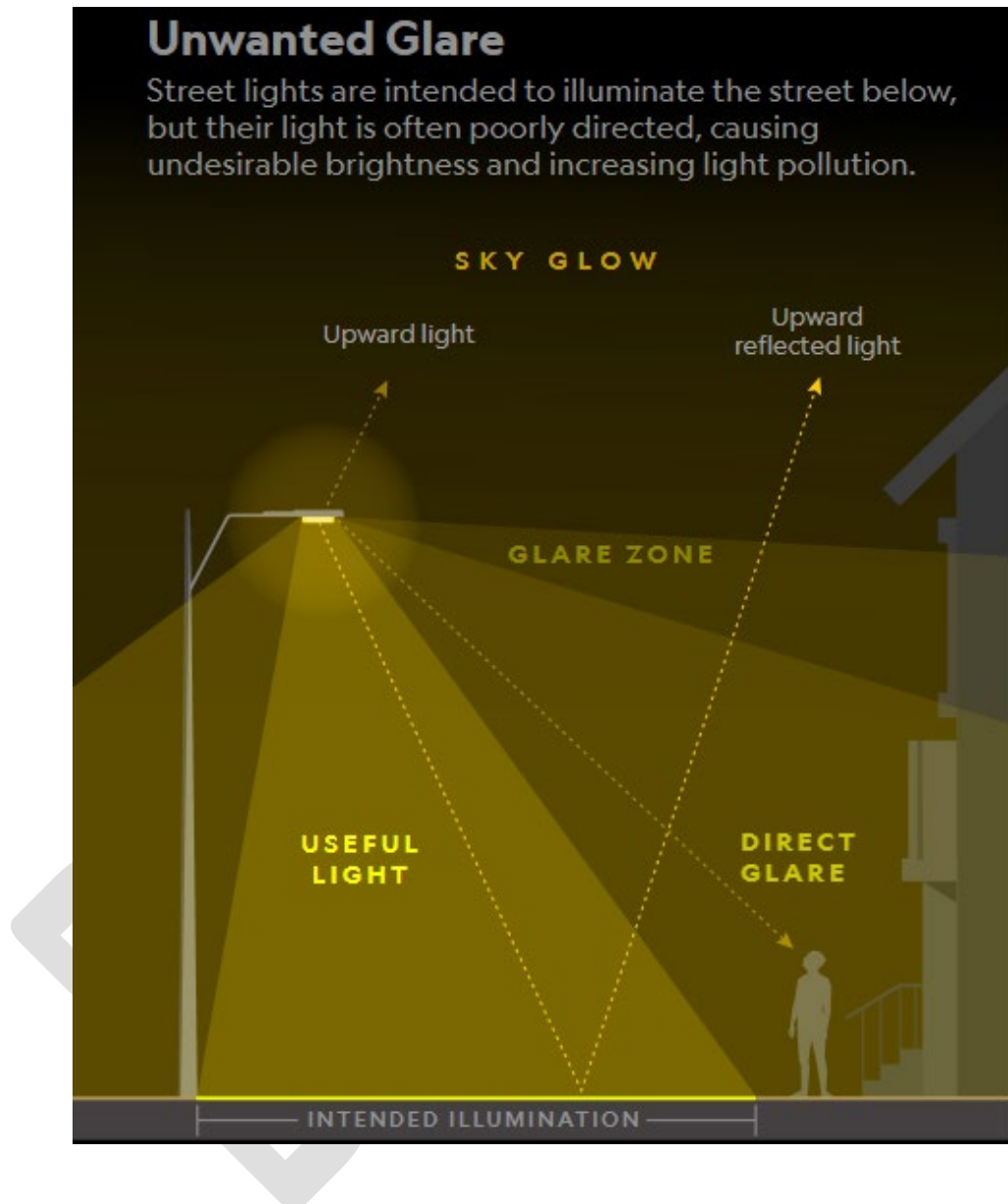
**Fully Shielded Fixture:** An outdoor light fixture constructed and mounted so that the installed fixture emits no light above the horizontal plane. Where a light manufacturer provides a BUG rating, the uplight rating (U) must equal zero (0). Fully shielded light fixtures must be shielded in and of themselves. Surrounding structures, like canopies, are not to be considered when determining if the fixture is fully shielded. Fully shielded fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal and all light is directed downward.

Figure 3: Types of Light Fixtures



**Glare:** the visual sensation caused by excessive brightness, and which causes annoyance, discomfort, or a disability loss in visual performance or visibility.

Figure 4: Types of Glare



**Internally Illuminated:** As it relates to signs, any sign which has a light source entirely enclosed within the sign and not directly visible.

**Light Pollution:** Any adverse effect of manmade light. Often used to denote "sky glow" from cities or towns, but also includes glare, light intrusion, visual clutter, and other adverse effects of lighting.

*Figure 5: Gradient of Light Pollution in the Form of Sky Glow*



**Light Source:** The part of a lighting fixture that produces light, e.g. the bulb, lamp, or chips on board.

**Light Intrusion:** Light falling where it is not wanted or needed. Spill light falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

*Figure 6: Light Intrusion Compared to Adequate Shielding*



**Lumen:** A unit of luminous flux equal to the light emitted by a uniform point source of one candle intensity. Lumens refers to the amount of light emitted by a bulb (a bulb with higher lumens outputs brighter light).

Figure 7: Comparison of Bulbs with Light Output and Cost



<https://georgebrazilplumbingelectrical.com/how-to-choose-the-best-light-bulb-for-your-home/>

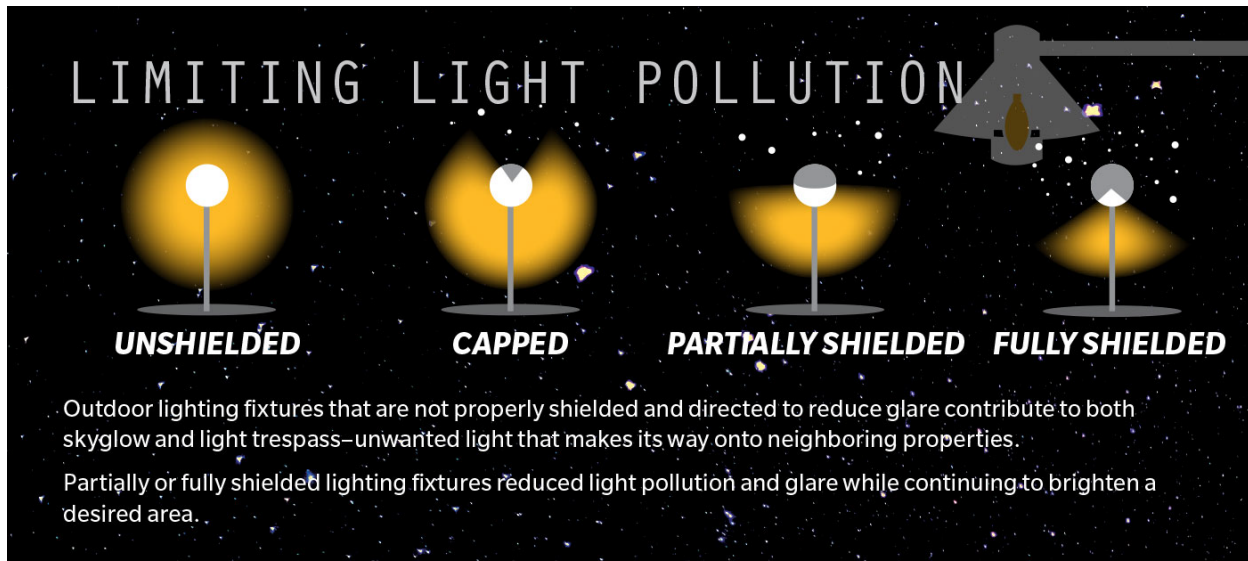
**Manufacturer's Catalog Cuts:** A publication or other printed material of a lamp or lighting manufacturer offering visual and technical information about a lighting fixture or lamp.

**Net Acre:** A gross acre excluding public rights-of-way, lands with natural slopes greater than 30 percent, jurisdictional wetlands, lands in the 100-year floodplain, public drinking water supply water sources, lands affected by immitigable geo-hazards, riparian habitats, archeological sites, and required open space.

**Outdoor Light Fixture (Outdoor Lighting):** An outdoor, electric or solar powered, illuminating lamp or similar device used for lighting structures, parking lots, pathways, service canopies, recreational areas, signs, or other similar outdoor uses. These lighting fixtures may be attached to a building, parking structure, or sign, or may stand on their own.

**Partially Shielded Light Fixture:** An outdoor light fixture constructed and mounted so that the installed fixture emits most of its light below the horizontal plane. Light emitted at or above the horizontal plane (sideways or upwards) shall arise solely from incidental decorative elements or strongly colored or diffusing materials, such as colored glass or plastic. Fixtures using spot or flood lamps are considered partially shielded if the lamps are aimed no higher than forty-five (45) degrees above the vertical plane beneath the fixture.

Figure 8: Unshielded versus Shielded Light Fixtures



**Recreational Lighting:** Lighting used to illuminate sports fields, ball courts, playgrounds, or similar outdoor recreational facilities.

**Security Lights:** Lighting designed to illuminate a property or grounds for the purpose of visual security.

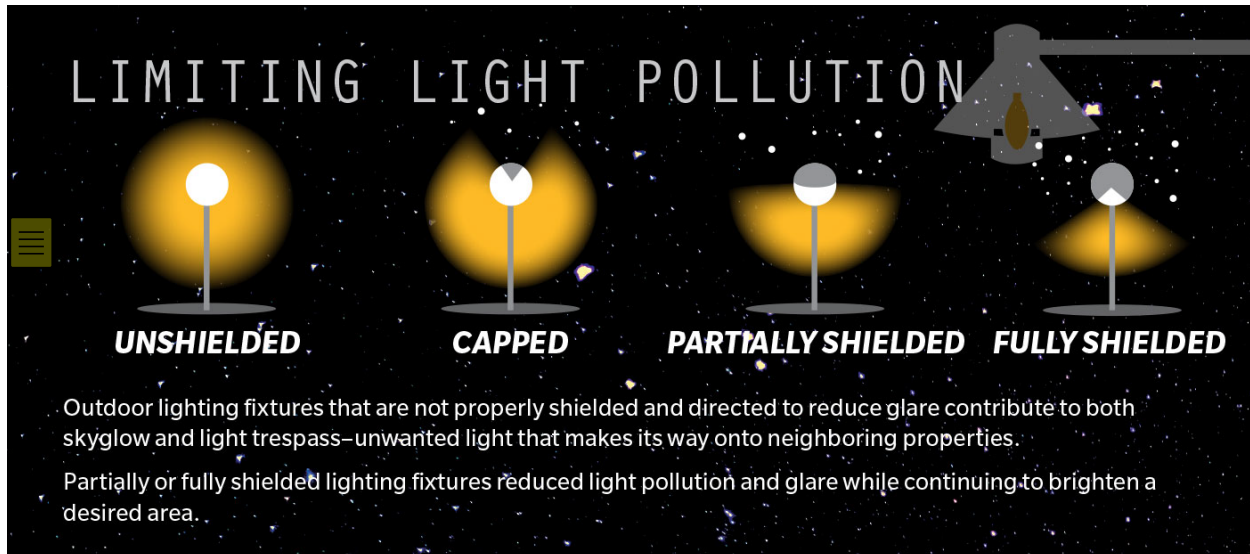
**Skyglow:** The brightening of the nighttime sky resulting from the scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the nighttime sky (Figure 5).

**Spotlight:** A fixture or lamp designed to light a small area very brightly. See definition of Floodlight.

**Tower:** Any monopole, antenna or the like that exceeds eighteen feet (18') in height.



**Unshielded Fixture:** A fixture that allows light to be emitted above the horizontal plane, either directly from the lamp or indirectly from the fixture or reflector. Any fixture not full cutoff. (Ord., 3-10-2016; amd. 2016 Code)



## Scope and Applicability

All lighting should be **purpose driven**:

- **Useful:** All light used should have a clear purpose.
- **Targeted:** Light should be directed only to where needed.
- **Low Light Levels:** Light should be no brighter than necessary.
- **Controlled:** Light should be utilized only when it is useful.
- **Color:** Use warmer color lights where possible.

### Compliance:

All 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 intrusion from interior lighting that negatively impacts adjacent properties is prohibited.

### Nonconforming Uses:

All existing outdoor lighting that does not meet the requirements of this chapter and is not exempt from the requirements of this chapter shall be considered a nonconforming use. The town will encourage property owners to voluntarily bring nonconforming exterior lighting into compliance with this chapter. Where appropriate, the Metro Township may also provide information and expertise to homeowners in bringing their exterior lighting fixtures into compliance with this chapter.



## Modifications:

**Compliance Through Building Permit Process:** The Metro Township may require exterior lighting fixtures to be brought into compliance, through the building permit process, if substantial modifications are made to the exterior of the building or if the footprint of the structure is enlarged.

## Change Of Ownership:

Properties that change ownership, whether residential or commercial, must bring exterior lighting into compliance with this chapter.

## Conflicts:

Where any provision of federal, state, county, or city statutes, codes, or laws conflicts with any provision of this Code, the most restrictive shall govern unless otherwise regulated by law. If any provision of the Emigration Canyon Municipal Code should conflict with the provisions of this Chapter, this Chapter shall supersede and be the controlling and enforceable provision.

## Outdoor Lighting Standards - Fully Shielded Fixture

### Required:

Unless specifically exempted by this chapter, all outdoor lighting shall use fully shielded fixtures that are designed and constructed so that no light is emitted above the horizontal plane of the fixture. Interior and exterior lighting must be placed and/or directed at a location, angle, or height to prevent direct illumination outside the property boundaries where the light fixtures are located. Where a light manufacturer provides a BUG rating, the upright rating (U) must equal zero (0).

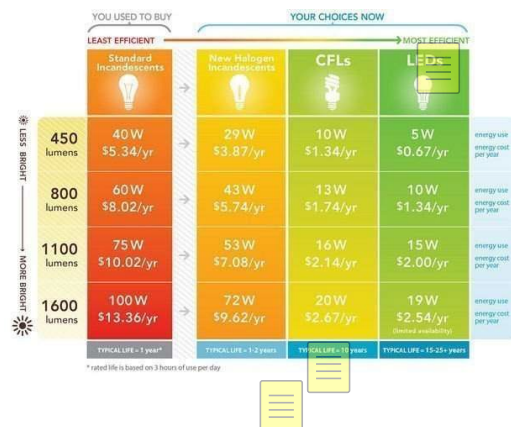
### Characteristics:

To qualify as a "fully shielded" fixture, the top and sides of a light fixture must be made of completely opaque material, such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as fully shielded 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 fully shielded.

### Restrictions On Total Amount of Unshielded Lighting:

Outdoor lighting that is exempt from the shielding requirement in this chapter shall not exceed five thousand (5000) lumens per net acre for commercial properties and one thousand (1000) lumens per net acre for residential properties.

All residential and commercial outdoor lighting fixtures shall be fully shielded when installed within twenty-five (25) feet of adjacent residential property lines.



### Exemptions To Fully Shielded Fixture Requirements:

All lights exempt from the requirements of this section shall be included in the calculation of total light output for a residential or commercial property.

Fixtures having a total light output less than one thousand (1000) lumens (approximately equal to a 60-watt incandescent, 43-watt halogen, 13-watt compact fluorescent, or a 10-watt LED bulb) are exempt from the full cutoff requirement provided:

- The fixture has a **top** that is completely opaque such that no light is directed upward.
- The fixture has **sides** that completely cover the light source and are made of opaque or semi opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light. Semi opaque material, such as dark tinted glass or translucent plastic, may be used if the light source is not discernable behind the material. Completely transparent materials, such as lightly tinted or clear glass, are not allowed.
- The **light source** (light bulb or filament) must not be visible from any point outside the property on which the fixture is located.

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	Standard Incandescents	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	energy use energy cost per year
800 lumens	60 W \$8.02/yr	43 W \$5.74/yr	13 W \$1.74/yr	10 W \$1.34/yr	energy use energy cost per year
1100 lumens	75 W \$10.02/yr	53 W \$7.08/yr	16 W \$2.14/yr	15 W \$2.00/yr	energy use energy cost per year
1600 lumens	100 W \$13.36/yr	72 W \$9.62/yr	20 W \$2.67/yr	19 W \$2.54/yr (lowest available)	energy use energy cost per year
	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

### Spotlights:

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, or a 10-watt LED bulb) 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 (0) angle is pointing straight down, and
  - The fixture must not be placed in such a manner that results in light trespass, 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 is hooded or shielded to the extent necessary to prevent glare on adjacent properties or roadways.

### Pathway lights:

Lights less than eighteen inches (18") in height are exempt 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 below the horizontal plane.

### Architectural Lights, Water Feature Illumination, and Sign Illumination:

Architectural lights, water feature illumination and sign illumination are all exempted from the full cutoff fixture requirement, provided such illumination meets all other applicable standards of this chapter.

### Temporary exterior lighting:

Temporary exterior lighting intended as holiday or seasonal decorations displayed between November 15 and the following January 15, provided that individual lamps do not exceed 70 lumens and the

lighting does not cause light intrusion and do not interfere with the reasonable use and enjoyment of surrounding properties.

Traffic control signals and traffic safety devices:

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

An applicant requesting approval for lighting that does not conform to these standards shall follow the procedures and findings requirements set forth in [Chapter 17.72 - Administration and Enforcement](#).

## General Conditions and Standards

### Minimum Necessary:

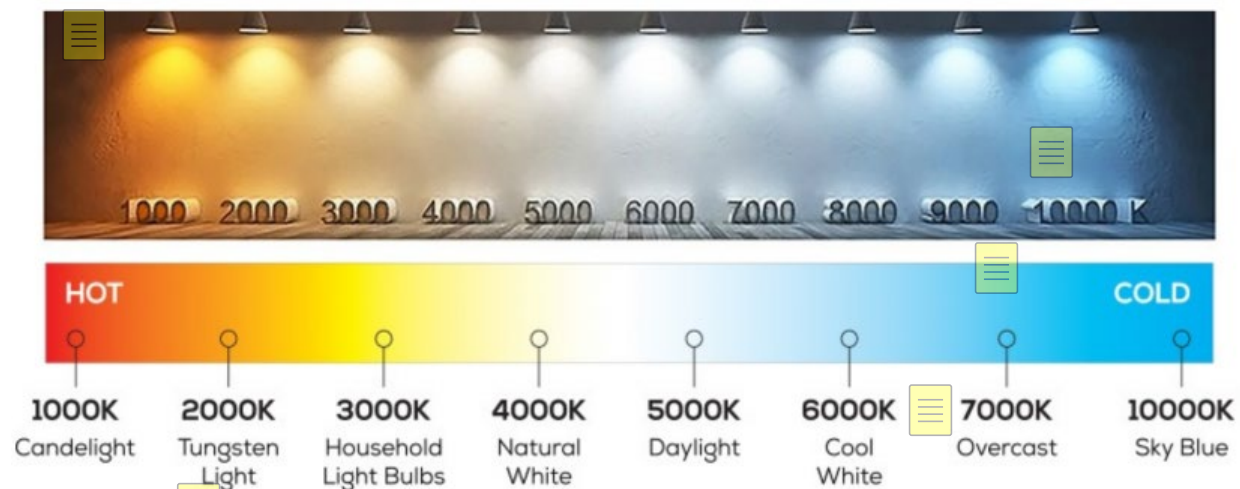
Outdoor lighting shall be the minimum necessary to provide for safety and functionality. The lowest wattage light source necessary for a lighting application shall be used.

All lighting should be **purpose driven**:

- **Useful:** All light used should have a clear purpose.
- **Targeted:** Light should be directed only to where needed.
- **Low Light Levels:** Light should be no brighter than necessary.
- **Controlled:** Light should be used only when it is useful.
- **Color:** Use warmer color lights where possible.

### Maximum Color Temperature of All Lighting Fixtures:

The correlated color temperature of any outdoor lighting fixture shall not exceed three thousand degrees kelvin (3000°K).



### Total Light Output:

- **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.

### Allowable Applications:

Outdoor lighting shall only be allowed in the following applications:

- To illuminate the **entrances** to buildings (including garage entrances).
- To illuminate **pathways** and **walkways**.
- To illuminate **parking areas** and parking area **access lanes**.
- To illuminate outdoor **gathering areas**, such as patios, pool and hot tub areas, outdoor dining areas and recreation areas.
- For **security** purposes, provided all the following conditions are met:
  - The lighting is activated by **motion sensors** and shuts off, within or before, fifteen (15) minutes after each disturbance or when the activity involved is completed.
  - The lighting is placed and directed such that **no direct illumination falls outside the property boundaries** where the security lighting is placed.
- To illuminate **signage**.
- For **architectural** lighting, provided all the following conditions are met:
  - The property where the architectural lighting is placed is on a property designated as **commercial** by the township.
  - The architectural lighting is **compatible** with the purposes of this chapter as determined by the planning commission.
  - All architectural lighting is mounted on and directed onto the **front of a commercial building** facing the street.
  - The architectural lighting is **sufficiently shielded** such that the light source is not visible beyond the property boundaries.
  - The architectural lighting is directed such that all **light falls on** the front of the building, and not on the adjacent ground or into the night sky.
  - The architectural lighting uses **low wattage** light sources.
  - The architectural lighting is **not used** to illuminate landscape, statues, or other similar features.
- To illuminate outdoor **water features**, provided all the following conditions are met:
  - The lighting is **angled** below the horizontal plane.
  - The lighting is placed underneath or behind the water such that the water **diffuses** the light from all points where the light is visible.
  - Each light source has a **total light output** of one thousand (1000) lumens or less and the total lighting is not greater than necessary to achieve the desired artistic effect.

### Light Curfews:



**Commercial Establishments:** shall turn off all outdoor lighting, except those listed below, within one hour after closing. (For the purposes of this section, motels and hotels are considered open twenty-four (24) hours per day when they are open for the season.)

- Lighting to illuminate the entrance to the commercial establishment.
- Parking lot and pathway lighting required for the safety of guests.

**Recreational lighting (residential and commercial):** shall be turned off by ten o'clock (10:00) P.M., except to conclude a community approved sporting event that is underway.

## Specialized Outdoor Lighting

### Roadway/Streetlights:

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

### Parking Lots:

- Spot or flood lighting of parking lots from a building or other structure is prohibited.
- The overall height of any light post used to illuminate parking lots in commercial zones shall not exceed fourteen feet (14'). All post-mounted parking lot lights shall be set back from property lines a distance equal to two and one-half (2.5) times the height of the pole, unless an internal or external shield prevents the fixture being visible from outside the property boundaries.
- The overall height of any light post used to illuminate parking lots in residential zones shall not exceed six feet (6').
- All parking lot lighting shall use fully shielded downward directed fixtures. Internal or external shields shall prevent the fixture being visible from outside the parking lots.

### Recreational Lighting:

The planning commission shall review all requests for new recreational lighting fixtures for fields or courts. The planning commission shall approve such requests only after finding:

- The recreational lighting has provisions for minimizing glare, spill light, and uplight using louvers, hoods, or shielding.
- The recreational lighting does not exceed illumination levels for class IV sports lighting set by the Illuminating Engineering Society of North America.
- The recreational lighting only illuminates the field or court area and is shielded to prevent illumination falling outside of those areas.
- The light source for the recreational light is not visible from adjacent properties.

### Pole mounted recreational lighting:

**Pole mounted recreational lighting** shall be limited to eighteen feet (18') in height. Pole mounted recreational lighting must be set back an appropriate distance from neighboring properties as determined in consultation with the planning commission.

The **lighting for non-field and non-court areas** shall conform to all provisions of this chapter.

### Amphitheater Lighting:

Outdoor amphitheatres may use illumination to light the performance area of the amphitheater and provide public safety. The following standards apply to all amphitheater lighting:

- Lighting used to illuminate the performance area must be either directed spotlighting or fully shielded lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.
- Lighting used to illuminate the performance area may only be turned on during performances or rehearsals.
- Lighting used to illuminate the seating areas, pathways, and other areas of the amphitheater must meet all standards of this chapter.

### Signs:

Signs may be unlighted, lighted externally, lighted internally or backlit. All sign lighting must be designed, directed, and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that only the sign face is illuminated. All lighted signs must have stationary and constant lighting. **(Note: For additional information on sign lighting standards, please refer to the town sign ordinance, chapter 3 of this title.)**

#### Standards for Externally Illuminated Signs:

Lighting for externally illuminated signs must be aimed and shielded so that light is directed only onto the sign face and does not intrude onto adjacent streets, roads, or properties or into the night sky.

Lighting for externally illuminated signs must be mounted at the top of the sign (or within two (2) feet of the top of a building mounted sign), except for freestanding monument style signs which may be illuminated by ground mounted lighting.

#### Standards for Internally Illuminated Signs

##### Lighting Is Visible on Both Sides of Sign:

Only sign copy areas and logos may be illuminated on an internally illuminated sign.

Internally illuminated signs shall use semi-opaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign copy. Non-copy portions of the sign (e.g., background and graphics) shall be made of completely opaque material.

#### Standards for Backlit Signs

##### Only One Side of Sign Is Lit:

Backlit signs shall be designed such that the light source is not visible.



Backlit signs shall be designed such that harsh, direct illumination does not emanate out of the sign. Rather, the backlighting shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy are allowed.

Backlit signs shall use low wattage light sources.

#### Illuminated Window Signage:

Illuminated window signs positioned to be primarily visible outside the business structure are allowed only if there are no more than two (2) signs per business space and each sign measures less than three and one-half ( $3\frac{1}{2}$ ) square feet in area. Such signs must not be illuminated when the business is closed. (Ord., 3-10-2016)

### 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 intrusion. 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.

#### FCOZ

Lighting plans submitted with applications subject to FCOZ Development Approval Procedures shall include plans or drawings, and language, indicating efforts to ensure that no interior lighting intrudes outside of the property boundary.

### Towers

All **monopole, antenna, tower, or support facility lighting** not required by the federal aviation administration (FAA), the federal communications commission (FCC), Municipal Fire and Police, or radio towers 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.



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:

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:

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

### Low Voltage Pathway Lighting:

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.

### Planning Commission Review:

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:

- 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.
- 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.

- A table showing the total amount of proposed exterior lights, by fixture type, wattage, lumens, and lamp type.
-  Lighting plans submitted with applications subject to FCOZ Development Approval Procedures shall include plans or drawings, and language, indicating efforts to ensure that no interior lighting intrudes outside of the property boundary. (Reference: Hillsides, Ridgelines and Special Cases)

#### Approval Procedure:

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