



EMIGRATION CANYON
METRO TOWNSHIP

Planning and Development Services

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GREATER SALT LAKE
Municipal Services
District

DARK SKY ORDINANCE | PROGRESS REPORT

Part of the UPDATE OF MUNICIPAL CODE:

19.73.110 NIGHT LIGHTING

Public Body: Emigration Canyon Planning Commission

MSD Planner: Matthew Starley, Long Range Planner

MSD Planning Staff Recommendation: Review and Comment

PROJECT DESCRIPTION

Emigration Canyon Metro Township has identified in the Community Values section of the General Plan that environmental sustainability & protection of the natural environment is important to community members, and the identity of the Metro Township. The expressed aim of the General Plan is to “*maintain or enhance environmental sustainability and stewardship now and for future generations; this includes but is not limited to features such as water quality, open space, noise management, dark skies, air quality, biodiversity, and climate resilience.*” pg. 30-31

Utah Department of Workforce Services (UDWS) has distributed a “Guidance & Best Practices: Dark Sky Planning” manual intended to introduce Elected Officials and their communities to dark sky planning and concepts. In this document, DWS established the importance of night sky planning by describing some of the issues associated with light pollution.

Light pollution is a threat because of the negative effects on humans and the environment as well as long-term consequences, such as biodiversity, economic, and cultural loss, that cannot easily be reversed. However, in contrast to other types of pollution, the negative effects of light pollution can be mitigated easily and cost-effectively.

UDWS, Guidance & Best Practices: Dark Sky Planning, pg. 6

To mitigate these potential negative effects, Emigration Canyon planning staff have engaged to develop and more robust Night Sky Ordinance that is intended to update the existing municipal code 19.73.110 Night Lighting. Regular progress reports have been made to the Planning Commission and feedback has been integrated. The draft shared in coordination with this report, Emigration Canyon MT Dark Sky Ordinance Draft Round 5, will constitute the fifth draft to be shared with the commission.

For this **Fifth Draft**, MSD staff have integrated the thoughtful comments made by PC members. Quick highlights to look for in this draft:

- **Layout**
 - A layout matching that of the Code Standards for the MSD has been adopted.
- **Protection of Wildlife**
 - Language has been added to the Purpose sections reflecting the importance of protecting the

night sky for wildlife. This language reflects what has been used in the General Plan.

- **Accent Lighting**
 - Wording regarding accent lighting has been adjusted to include residential properties.
- **Providing information to homeowners**
 - This language has been added to the Application and Review Procedures.
- **Appeals, Violations, Enforcement, and Penalties**
 - Appeal for Exemption section has been added here. Appeals will be heard through the Land Use Hearing Officer.
 - This section of the ordinance assigns a \$50 per day penalty after a 30-day notice to comply has been delivered by the Planning Director or designee.
 - Hillsides, Ridgelines, and Special Cases language has been added to the Enforcement section.
- **Definitions and Graphics**
 - Staff would like to work to improve the accompanying graphics in the Definitions sections.
 - Graphics that will accompany the ordinance are in progress and will be shared at the next work session.

GENERAL PLAN CONSIDERATIONS

Language about protecting and promoting the health and long-term sustainability of the natural environment in the canyon is a consistent theme throughout the General Plan document. There are also many instances in which the connection between the quality of the night sky environment and ecological and community health are identified. Updates to the dark sky ordinance existing are supported by the General Plan Work Program. The following is an excerpt from the General Plan Work Program, which outlines the creation and enactment of a Dark Sky Ordinance as an *Immediate and Ongoing* action item.

Chapter 5: Environment Work Program (*Emigration Canyon General Plan 2022 pg. 144-145*)

- **Goal 5.3:** Preserve and enhance natural areas and ensure that landscapes are functional and diverse.
 - **Objective 5.3.3:** Preserve and enhance views of the night sky and protection for nocturnal wildlife.
 - **Actions** - a. Support the adoption of a Dark Sky-compliant light-pollution control ordinance.
 - **Lead(s)** - PDS, PC, EC Metro
 - **Timeline** - Immediate and ongoing
 - **Cost** - Staff time
 - **Metric** - Ordinance enacted
 - **Resources** - See also objective 2.3.2a

LAND USE CONSIDERATIONS

Suggested updates to the zoning ordinance would apply to all land use zones within the Metro Township. However, the ordinance is being presented at this time for discussion purposes only. Staff has not initiated the process for adopting the drafted language. The intent is to control the use of night lighting between the hours of 1 hour after dusk, until 6:00 am the following morning general, with some exceptions for commercial properties and special conditions that require lighting for safety. It is the opinion of planning staff that controlling nighttime lighting use through the update of the existing Night Sky Ordinance will support the current land use expressed within the canyon by reinforcing the naturalistic and rural character of the community.

Unique standards exist for properties containing:

- Residential | Single-Family Detached Housing Units
- Residential | Multi-Family Housing Units

- Commercial Uses

ISSUES OF CONCERN/PROPOSED MITIGATION

Planning Staff is hoping the Council and Planning Commission will consider the merits of proposed updates to the Night Sky Ordinance. Issues of particular interest that the Commission might consider for topics of discussion are:

- This draft has been shared with partners internal and external. There may be some suggestions that are made before our next meeting.
- Graphics are being developed and coming along well.
- Will we want to get public feedback on the Ordinance Update before adopting?

NEIGHBORHOOD RESPONSE

At this point, staff has not received any feedback from the public regarding the Night Sky Ordinance update.

REVIEWING AGENCIES RESPONSE

A review by Emigration Canyon's attorney and the MSD's land use attorneys will be completed prior to the adoption of the comprehensive code updates.

Heidi Hoven of the Audubon Society as well as Lisa Stoner of Utah State University Extension services have been shared a copy of this draft. We are awaiting any comment.

Other agencies will review the code as needed based on the content.

PLANNING STAFF ANALYSIS

Previous draft plans have relied heavily on the similar ordinances drafted and adopted in: Moab, Torrey, Eagle Mountain and Helper City, Utah, as well as several guidelines produced by the International Dark Sky Org. Staff also received guidance and advice from Dark Sky experts with the planning community here in Northern Utah. The current version of the Ordinance has been adjusted to reflect an approach to total allowable light use calculations more like that utilized Fort Collins and Boulder, Colorado municipal code. These cities were recommended by the Reviewing Agencies experts referred to previously. These changes reflect, in the opinion of the staff, an improvement to the previous "net acre" calculation method employed in the first draft.

PLANNING STAFF RECOMMENDATION

The MSD Planning Staff recommends that the Emigration Canyon Metro Township Planning Commission review and provide feedback on proposed Amendments to the Night Sky Ordinance.

DOCUMENT COMMENT AND RESPONSE HISTORY

- Draft Document Color Legend -

Response from MSD Staff

Comment on this draft has responded to those comments made during the previous working session. Particular subjects of interest were covered in the Project Description.