

**MINUTES OF THE
WASATCH COUNTY COUNCIL
APRIL 5, 2023**

The Wasatch County Council met in regular session live and by Zoom at 4:00 p.m. The following business was transacted.

PRESENT: Chair Spencer Park
Mark Nelson
Erik Rowland
Steve Farrell
Kendall Crittenden
Luke Searle
Karl McMillan

STAFF: Dustin Grabau, the Wasatch County Manager
Heber Lefgren, the Assistant Wasatch County Manager
Jon Woodard, the Assistant Wasatch County Attorney
Wendy McKnight, from the Clerk's Office
Rick Tatton, Court Reporter via Zoom
Mike Davis, the MIDA Coordinator
Natalie Foster, the Wasatch County Managers' Secretary
Doug Smith, the Wasatch County Planner
Austin Corry, the Assistant Wasatch County Planner.
Jonelle Fitzgerald, County Board of Health Director
John Barentine, Consultant

PRAYER: Chair Spencer Park

PLEDGE OF ALLEGIANCE: Led by Councilman Kendall Crittenden and repeated by everyone.

Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday April 5, 2023 and indicated that all the Wasatch County Council are present. The record should also show that the Wasatch Council is meeting in the Wasatch County Senior Citizens Center at 465 East 1200 South, Heber City, Utah 84032. Chair Spencer Park then called the first agenda item.

THE OPEN AND PUBLIC MEETING AFFIDAVIT

The Open and Public Meeting Affidavit was made a part of the record.

LEGISLATIVE ISSUES FOR FUTURE MEETINGS

Chair Spencer Park asked if there were any legislative issues for future meetings. Councilman Erik Rowland indicated that the arts council has asked to present to you the status of their programs and so if the Council is okay we could have them on the agenda for next week or whenever it could be worked in.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Chair Spencer Park asked if there were any administrative issues for future meetings and there was none.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Spencer Park asked if there were any public comments on matters not on the agenda and there was none

APPROVAL OF THE MINUTES FOR MARCH 15, 2023

Councilman Karl McMillan made a motion to approve the minutes of March 15, 2023 as written. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

**AYE: Chair Spencer Park
AYE: Mark Nelson
AYE: Erik Rowland
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Luke Searle
AYE; Karl McMillan**

NAY: None.

COUNCIL

PRESENTATION OF THE WASATCH COUNTY BOARD OF HEALTH ANNUAL REPORT AND INFORMATION ON THE 2023 WASATCH COUNTY HEALTH RANKINGS.

Councilman Kendall Crittenden indicated that Jonelle Fitzgerald is here to give a power point

presentation on the Wasatch County Health Department annual report. Jonelle Fitzgerald then presented a power point presentation of the various programs in the Health Department. Jonelle Fitzgerald indicated that an extensive ground water study has been done. Jonelle Fitzgerald then presented the budget. There is a tax levy, grants and fees that provides the funding. Jonelle then thanked the Health Board that Wasatch County has. With the various levels of public health Wasatch County is almost always above the state and national levels. Wasatch County is ranked number one out of twenty-eight counties in the State of Utah with regard to health outcomes. Wasatch County is number five in the State of Utah for health factors. Jonelle thanked the Wasatch County Council for their support.

DISCUSSION /CONSIDERATION OF THE WASATCH COUNTY REPRESENTATIVE ON THE WASATCH BACK RPO TECHNICAL COMMITTEE.

Councilman Kendall Crittenden indicated that the last couple of months we worked on this and joined the Wasatch Back RPO with an ordinance or resolution. The first meeting was held a week ago last Monday in Coalville. The RPO Board is comprised of the Mayor of each of the RPO member cities. I was elected to be the Wasatch County representative for that Board. There is an Interlocal agreement between the jurisdictions and Wasatch and Summit Counties and all the jurisdictions in those. There is a technical committee in the RPO. They are an advisory board. We need to designate a representative from Wasatch County to sit on that technical committee. The representative should come from the Planning Department either Doug Smith or one of his staff to work with the technical committee and then have Councilman Karl McMillan involved to work with Doug Smith. Councilman Karl McMillan indicated that Doug Smith, the Wasatch County Planner, ought to be our representative there. He has got the background and the knowledge or it could be Austin Corry, the Assistant Wasatch County Planner. Doug Smith will be the voting member from Wasatch County.

Councilman Karl McMillan made a motion that we appoint Doug Smith, the Wasatch County Planner, as our representative of the Council for the RPO or his designated individual. Councilman Luke Searle seconded the motion and the motion carries with the following vote:

**AYE: Mark Nelson
AYE: Erik Rowland
AYE: Steve Farrell
AYE: Chair Spencer Park
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan**

NAY: None.

CONSIDERATION OF AWARDING THE COMMERCIAL APPRAISAL SERVICES RFP

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that on March 9, 2023 Wasatch County released a request for proposal RFP to solicit professional qualifications from qualified consultants/consulting firms to provide self-contained appraisal reports for as many as 543 commercial properties located in Wasatch County. We want to be able to have the report so we can close out the year with all the commercial work completed.

As of Thursday that RFP closed with five agencies submitting a proposal. Since Friday we have met as staff to review the proposals to discuss the possibilities that we provided you a break down for how each of those entities were ranked with an agency called BBG. The five agencies that we had were the Cook Group, DH Group, CBRE Group, and Valbridge Property Advisors and BBG Real Estate Services receiving the highest bid. All proposals were submitted and each of them demonstrated adequate experience to be able to complete the job. The proposal from BBG was the only proposal that indicated an ability to complete all the requested work before the May 10th deadline.

Based on the proposals received we are recommending the approval and enter into a contract with BBG to provide self-contained appraisal reports as outlined within their RFP. For your consideration we recognize as the bids came in, and the bids came in significantly higher then what we had hoped, and so we have provided three options for the Council to consider. The first option is to instruct BBG to complete their work as outlined within their RFP to complete the work before the May 10th deadline at the cost of \$1.3 million. This is the most expensive option but the solution will ensure that all the commercial appraisals are performed prior to the end of the tax deadline. Option two is that we ask BBG to complete 75% of the appraisals by May 10th and perform the remaining 25% following that deadline and have it finished before the end of the year. This option does reduce the cost from the \$1.3 million to \$999,000 but it would also delay the completion of 25% of the appraisal reports until next year. The third option that is available is you provide us a number of what you are comfortable providing and we will go back and get as much of it done as we can with that budget.

Regarding the budget this is an item that is not within the existing budget of the department and it was not budgeted for this service and so therefore alternative funding is going to be required. If approved we will first seek to utilize future budgetary savings within the General Fund to pay for the services, however if those savings do not materialize at that point we will ask for the Council to consider utilizing general fund balance to cover this cost.

Councilman Steve Farrell asked what you consider a self-contained appraisal report. What is involved in that? Heber Lefgren replied that for each appraisal to physically inspect the property and not just go off the on line data but actually visit the properties. Councilman Steve Farrell asked if it would include all three approaches to value. Heber Lefgren replied that yes it would that is correct. Councilman Steve Farrell asked if it included in the RFP a rental analysis. Heber Lefgren replied that is correct and will be able to keep it up after they are done.

Todd Griffin indicated that I need the outside help to do this appraisal work because no one in my office has the qualifications to do this. With BBG and the assistance from the State Tax Commission, with option one I can get 100% of it done for 2023 tax year. BBG is a local company out of Utah and also a national company that has the ability to pull in additional help to accomplish this and the only one that has the ability to complete this on time for all of the parcels and the rest proposed that they would do a portion now and then a portion after. This also gives me a great base line to move forward on.

Councilman Steve Farrell asked if it is possible to make it a two year project. Todd Griffin replied that could be done. Heber Lefgren indicated that with regard to paying for this service one of the things is that our fund balance is healthy and so we do have the funds to pay for this service. Dustin Grabau also indicated that this service helps us dig Wasatch County out of the hole that we are in. The goal is to get it to a point where it would be sustainable to do it in house for at least some stretch of time until we need to true it up again. Councilman Steve Farrell indicated that what this would do is give us a good economic base for all the commercial properties in Wasatch County and an appraiser ought to be able to maintain it in the future.

Councilman Mark Nelson made a motion that we follow the recommendation and approve option number one along with the stipulation that if the savings do not materialize within the next six months the council would authorize the utilization of using general funds to make that up. Councilman Kendall Crittenden seconded that motion and the motion carries with the following vote:

**AYE: Karl McMillan
AYE: Mark Nelson
AYE: Luke Searle
AYE: Erik Rowland
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Chair Spencer Park**

NAY: None.

MIDA UPDATE

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated that the MIDA Board met this week. A couple of the residential subdivisions that have been proposed were approved. It is about 73 or 74 units. In addition I met on Tuesday met with the fire department, fire district, building department and MIDA discussing potential partial occupancies particularly the MWR Hotel but it would be also for future things. They are trying to set up for partial occupancies that do occur in commercial type construction. They are trying very hard to come up with a criteria that will make that so that could be potentially happen. The biggest concern is health/safety welfare on these things. This is a cooperative effort with MIDA and we all are on

board.

COUNCIL/BOARD REPORTS

Councilman Luke Searle indicated that the library board met last week and did some interviews for a vacancy and are going to meet again either the end of this week or beginning of next week to finalize who will be filling that vacancy. I also met with Justin Hatch who is over animal services and there will be a subsequent meeting with him in a couple of weeks with Sheriff Rigby and anticipate we will have a board meeting in several months before the budget is approved for the city councils but going over what the animal services are now and real interesting that Justin Hatch pointed out to me for every residency that comes here about 1.5 pets come. As we increase the population we are going to increase with our pets and there needs to be good plans in place for the services that are going to be needed.

Councilman Kendall Crittenden indicated that the Health Department in conjunction with Wasatch Mental Health applied for a state grant to help cover the cost of this program. Utah is one of the national leaders in suicide unfortunately and the vast majority of those suicides are from firearms. The program is to get those firearms secured and maybe in a safer location and not to take away firearms but to get those in a more secure location so they aren't accessible when they are having a crisis. The program is to help mitigate that and help in that moment of crisis and maybe not make that method as readily available as it might be otherwise. The grant provides a couple of things for people that signs up for this program one of them is if they go through the program they will receive a free ammunition box and then will receive a \$200 voucher that they can use towards the purchase of a gun safe. To qualify and get those two benefits they need to be eighteen or older, Wasatch County resident, completion of a qualifying suicide prevention or firearms safety course. The public needs to pick up a flyer that is available that gives more information on how to sign up.

Councilman Mark Nelson indicated that on May 4th from 1:00 to 2:00 p.m. there will be a meeting here in the Wasatch County offices which is working on the Provo Canyon Corridor plan along with Utah County and that is a planning process that was funded by the legislature. The first meeting to kick off that planning activity will be that time and I am planning to attend that with the same committee members.

MANAGER'S REPORT

FOLLOW-UP DISCUSSION REGARDING THE WASATCH COUNTY FUTURE YEAR 2022 UNAUDITED YEAR-END FINANCIAL REPORT

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated that this is a follow-up from the last meeting where I shared with you last year's final unaudited report. The intent of this is a quarterly report that we have been providing since last year to the Council and it provides a more detailed update on where we stand financially as an

organization. In summary Wasatch County is doing fine. We are anticipating ending the year in our General Fund above budget on revenue. The expenditure side is a little higher than what we forecasted in the budget and primarily due to a larger than initially anticipated transfer to the capital improvement fund. Other than the non-general fund budget we anticipate on ending the year with a positive fund balance for each of the accounts and then anticipate also ending the year with the exception of one fund ending the year below what was authorized by Council.

Councilman Luke Searle asked to have explained why that larger transfer. Heber Lefgren replied that the State of Utah limits the amount of money that we can have as a fund balance within the General Fund and limited to 65% of the anticipated revenue and so part of that transfer was to keep our fund balance within the appropriate level. That was transferred to the capital improvement fund with the anticipation because we know in the upcoming years that we will have some large capital projects. The Wasatch Council indicated that they are comfortable with the format that the information is being presented.

CONSIDERATION OF AWARDING THE COUNTY BRANDING RFP

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that we published a request for proposals for branding services in February. The County received 19 responses to that RFP. Of the 19 applications, the following five firms were selected for interviews. Of the five firms, which are Backstory Branding, Destination by Design, HUB, Ignition, and Redkor, and their bid prices, and based on the interviews our suggestion is to proceed with Backstory Branding as their services are best aligned with what we had in mind for the scope of work and they came with excellent references and had provided excellent examples of the work product we are hoping to get out of the process. The bid was \$34,410 dollars. What this would do is give recommendations, work with the Council subcommittee (Councilman Erik Rowland and Councilman Mark Nelson) to do a number of interviews with key stake holders including County departments and community members to identify key branding identities and develop a logo, colors and associated assets with those branding materials so then we could cooperate those into all of the County's assets. We would like a motion to award that RFP as presented.

Councilman Luke Searle made a motion to approve the RFP as presented. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:

**AYE: Steve Farrell
AYE: Karl McMillan
AYE: Luke Searle
AYE: Erik Rowland
AYE: Chair Spencer Park
AYE: Kendall Crittenden
AYE: Mark Nelson
NAY: None.**

Councilman Luke Searle indicated that he would like to be on that committee also. Dustin Grabau replied that would be fine.

DISCUSSION OF WASATCH COUNTY OLYMPIC GUARANTEES

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that Wasatch County has been asked by the Utah-Salt Lake Olympic Committee to provide a letter including guarantees required by the International Olympic Committee. These guarantees are requested to demonstrate the County's willingness to support the potential games where possible. Many of the items in this guarantee list do not fall under the County's regulatory or administrative authority. The USOC acknowledge this, and the intent of the letter is to provide a statement that we support these efforts even if we have no direct influence on them. The letter's contents were provided by the USOC and have had minor revisions made by county staff. The Council may want to revise those contents and place this on a future agenda for approval.

Scott Sweat, the Wasatch County Attorney, indicated that there is always the question of here is our support and it doesn't sound too much like a contract and then the question is if we are signing it what we are really saying. There is always that question and are they going to come back later and say you signed this and we expect more out of the County than what you are giving to us which from our point of view that is always a little bit of a concern of what future liability are we subjecting the County to do. I think unless we sign it we are going to have a lot of pressure coming down.

Dustin Grabau replied that we have the option of withholding this letter and it just potentially would come at the displeasure of the Utah Salt Lake Olympic Committee. The things that are being requested is that we are not going to actively oppose or use our authority to oppose the games taking place in our local government entity. Want a guarantees around enforcement of legal protections for counterfeit equipment. That already is a responsibility that we have to enforce local laws and prevent those things. One of the time sensitive natures of this is that they want to provide this material to the International Olympic Committee by the end of the month as part of the application process so that we could be considered for the 2030 and 2034 Olympics. Those decisions won't be made until prior to the 2024 Paris Summer Olympics when the International Olympic Committee will convene and make a final determination. It is anticipated that there will be investments made but they are hoping that will come from private investments and other investments that would have already been made that may be on a more accelerated schedule.

Councilman Luke Searle indicated that he wanted to add a paragraph at the beginning just expressing how the Soldier Hollow Venue has become not only a venue for international events but it has been part of our community and we are going to be continuing to invest in it. The Utah Olympic Legacy Foundation is going to have a sizeable expansion to the venue itself for conferences and some other things as well to just sort of think that as well. This is important for us regardless of the gates. Councilman Mark Nelson indicated that he feels this is a check in the box letter and almost a form letter and just need all the counties to sign it and send it in to prove

that we are all in with the Olympics. Scott Sweat replied that part of that language is already there it has been put in. Dustin Grabau replied that he wanted to get this in front of the Council to see if you were comfortable with the representations that this draft letter made.

Dustin Grabau asked if the Council want to bring it back for the Council to officially approve this and think it is possible that I could provide it without bringing it back. I have provided letters of support for other grants and other things like that without having the Council look at it. Councilman Steve Farrell replied that it is all right for Dustin Grabau to do that.

DISCUSSION AND POTENTIAL CONSIDERATION FOR THE ADOPTION OF POLICY 145-001 CASH HANDLING.

Heber Lefgren, the Assistant Wasatch County Manager, addressed the Wasatch County Council and indicated the Wasatch County executive team which includes all department and office directors within Wasatch County, Solid Waste, Park and Recreation, and the Health Department continue to meet regularly to review, discuss, update, and/or create county wide policies intended to improve operations, employee morale, and the public perspective towards Wasatch County Government. The policy being brought to Council through this Council item is Policy 145-001 Cash Handling. The policy provides basic guidelines and general expectations for every Wasatch County employee regarding the proper handling of cash or cash equivalency within the Wasatch County organization. This includes, but is not limited to requiring all positions that handle cash to undergo cash handling training provided by the Treasurer's Office and ensuring there is an adequate separation of duties from those who have custody of assets from those who are responsible to verify transactions and those who are required to record and account for the funds. While this policy will help ensure funds handled by Wasatch County employees remain safe and secured, more importantly, this policy provides an added level of protection to all employees responsible for the safeguard of County financial assets.

Dustin Grabau indicated this has gone through the process of meeting with Department Heads and a number of meetings were held. Heber Lefgren has had one on one meetings with the treasurer. This will require some changes and possibly some costs to implement. We need to have sufficient safes that can hold cash and have monitoring equipment on cash handling locations and may in some cases require operational changes where we change how we had been processing things in the past and make sure that we are in compliance with the new policy. What is before you is a representation of the work that Heber Lefgren and our team has put in with the departments in trying to make sure that we have better practices when it comes to these types of transactions.

Councilman Mark Nelson made a motion that we approve Resolution 23-04 Policy 145-001 on cash handling as presented. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

AYE: Karl McMillan
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Chair Spencer Park
AYE: Steve Farrell
AYE: Erik Rowland
AYE: Mark Nelson

NAY: None.

CLOSED SESSION

Chair Spencer Park indicated that there is no need this evening for a Closed Session. We will now take a brief recess and then come back and handle the public hearing that is scheduled for 6:00 p.m.

WHEREUPON, A BRIEF BREAK WAS TAKEN

Chair Spencer Park indicated that the record should show that the Wasatch County Council is back in session to hear the public hearing that is scheduled for this evening and all the Wasatch County Council are present.

PUBLIC HEARING **APRIL 5, 2023**

CORE ARCHITECTURE, REPRESENTING THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, IS REQUESTING AN AMENDMENT O WASATCH COUNTY CODE SECTION 16.21.16 AND SECTION 16.26 THAT WILL AFFECT HOW OUTDOOR LIGHTING IS REGULATED BY THE COUNTY DEV 7756

Staff:

Doug Smith, the Wasatch County Planner, addressed the Wasatch County Council and indicated that this item is a public hearing and everyone has the opportunity to come up and speak at the microphone and this public hearing is also available on Zoom. Also this is not a variance. This is a code amendment that would apply County wide and would be applicable in the Jordanelle Basin and applicable anywhere else in Wasatch County. Also this is not a discussion about the temple. This is the lighting code. The decision tonight is for a lighting code for the whole County. It is not for a lighting code for the temple and is a lighting code that will apply County wide.

Doug Smith then presented a detailed power point presentation and indicated that there are two options for the applicant. They could comply with the lighting code as written or they can apply to amend the code. They chose to amend the code and that is partly why we are here today. The applicant chose to apply for a code amendment and provided a draft code of what they want it to be. As we looked at that and debated about what they submitted we decided we needed more of a comprehensive overall of the Wasatch County Lighting Code. In order to do that we hired a consultant John Barentine, from Dark Sky Consulting, who is present with us as a panelist and has been very helpful with us to get to this point.

The current code has been in place since 2003. With this code everything is required to be directed down. Typically what we have used our code for and in the County just so you understand the unincorporated County does not include any thing like Heber, Midway, Charleston, and Daniels. They are their own cities and they have their own codes and we don't regulate anything in an incorporated city. So anything that is outside of those cities that is unincorporated County we use our ordinance to abide by. Mostly in the County we have seen residential development. Lighting with residential dwellings has not been enforced at all. There also is a concern with regard to up lighting and trying to provide some options for up lighting with also regulating total light on the site.

The General Plan is our goals and policies for the County. In that General Plan there is lighting goals and policies and are very high level. The General Plan with regard to lighting says that lighting should be dark sky compliant and doesn't say how that is accomplished but that is all it says. Also you need to understand certain abbreviations. The first one is CCT (correlated color temperature) and refers just to the colored. The next one is IBC (International Building Code) that is a code that is used for residential and commercial construction. The next one is IES (Illuminating Engineering Society) which is an industry supported non-profit and learned society and what IES does is set very conservative standards on lighting. The next one is improved acreage. The next one is exempt lighting. FAA requirements are exempt and IES requirements such as the lowest levels of parking lighting are exempt as well. Safe lighting for a parking lot is exempt as well. The lighting source is referred to as a lumen and the light that source projects has a number that is associated with it and that is the lumen number. The luminance is that light that is reflected off a building or a surface and depending on that surface's texture and color is reflected in different ways. The single-family residential lots so with the current code you do you're lighting on your residence however you want and this code would not curtail that. This is a question that you the Council need to make.

Doug Smith then went through a summary of proposed lighting regulations.

1. Establishes the improved acreage for the site. This is the total amount of the site minus areas that are not hard surface, buildings or improved landscaping.
2. The improved acreage amount is multiplied by the 25,000 lumens per improved acre to come up with the total lumens allowed on the site.
3. In an effort to balance safety and aesthetics, the code exempts any lighting required by the IBC, FAA or recommended IES minimum standards for parking lot lighting from the number of lumens

per improved acre. In essence, the exterior of the building and any other optional lighting is the only lighting subject to the total cap. Any lighting besides architectural up lighting that is not required by the IBC, FAA or the IES recommendations for parking lots, will be required to comply with its recommendations.

4. The code allows for up lighting of the structure as long as it's limited to 25,000 lumens per improved acre and lighting is shielded by the building with full cutoff on all fixtures that stops lighting at edge of walls and roof such that the light emitted by the fixture or fixtures is completely captured by the target surface and is not emitted directly into the night sky or toward any other property, the brightest spots on the building closest to the fixture is limited to a maximum of 27 candelas per square meter.

5. The code as proposed sets the CCT at 3000 kelvin.

The County is proposing a warmer yellower light. We are also proposing that the light on the building be limited to 27 candelas per square meter. We will have our consultant expert John Barentine in a few minutes explain more about candelas per square meter versus lumens per square foot.

The General Plan is a mandatory document and we have to follow the General Plan. If the General Plan says you will have dark sky compliant lighting the zoning ordinance has to follow that and we have got to follow it. Chapter 1 of the General Plan essentially says that we have a General Plan so we can have a harmonious community and that zoning and relationships of different types of uses work together. It is also to promote the general health, safety and welfare of the residents of the County. Policy 1.1.7 of the General Plan is more specific and it says establishes a policy to preserve the views of the night sky and reduce the health impact of artificial light by requiring all developments to have dark sky compliant lights. Presently that is determined to be 90 degree full cutoff. Also we are not a certified IDA community. For the Wasatch County Council and whatever happens tonight the Council needs to be comfortable that the code that you are moving forward is in compliance with the General Plan recommendations. The outdoor lighting section of the code says that the purpose of the outdoor lighting regulations as established standards for all outdoor lighting so that its use does not unreasonably interfere with the reasonable use and enjoyment of property and astronomical observations within the County. It is the intent of this section to encourage through regulation of types, kinds, constructions, installation and uses of outdoor electricity, lighting practices and system which will reduce light pollution, conserve energy, provide consistent lighting standards, reduce maintenance and replacement costs while increasing night time safety, utility, security and productivity . We haven't really changed that from the code that we are proposing tonight.

With regard to architectural lighting of a building, the requirements are:

1. The building must block any and all lighting from creating light trespass to achieve the intent of otherwise full cut-off fixtures. With current technology, this is typically accomplished through adjustable shielding at each light fixture so it is fully captured by the walls or roof of the building preventing emittance of light into the night sky.

2. Limits on the CCT (Correlated Color Temperature) to 300 kelvin.

3. Regulation of the reflection of light off the building which is a factor of color, material, and finish and regulated by candelas per square meter.
4. All site lighting excluding IBC, FAA and recommended parking lot lighting cannot exceed the lumens per improved acre.
5. Curfew limits would be required for the building and site, except for any IBC and FAA required lighting. The proposed code has a curfew in it. All exterior lighting shall be extinguished either by 10:00 p.m. or within one hour of the close of normal business hours or at the conclusion of usual operations, whichever occurs later. Businesses whose normal operating hours are twenty four hours per day, or as determined by the land use authority if a conditional use may be exempt from this provision.

Doug Smith then went through the synopsis of the proposed code changes.

1. Added a number of new definitions section A to update for latest technology and define new terms used for regulating lighting.
2. Better defined applicability (section B) of the code and regulates all exterior lighting except for that considered single family residential. Single family residential as proposed would prohibit light trespass.
3. Provides for amortization (section C) of non-conforming lighting on non-residential uses based on building permits, change of use, renovations, reconstruction, etc.
4. Updated graphic (Figure A) of acceptable and unacceptable lighting fixtures.
5. Expanded prohibited lighting list (Section F). Floodlighting, searchlights, lasers except for holiday lighting, flashing, blinking rotating and neon.
6. Increased list of requirements for a lighting plan (section G) in order to determine lighting on a site, lumens, candelas, CCT lighting controls, renderings, demonstration of compliance, etc.
7. Lighting standards section 1 illuminance limits, IBC, FAA, nothing over 25,000 lumens per improved acre CCT, lighting trespass, curfew, flagpoles, service station canopies, etc.
8. Regulation of public lighting for government buildings (section 1) County buildings, SSD's with curfew, adaptive controls, etc.
9. Expanded temporary lighting requirements (section K).
10. Architectural and landscape lighting (section L) allowing up lighting with limits to lumens, CCT, total lumens, etc.
11. 16.15.25 changes to the sign section of the code stating to not exceed in any design or message element a luminance of 40 candelas per square meter between one hour after sunset and one hour before sunrise and be fully extinguished after the end of regular business hours and remain in that state until no earlier than one hour before sunrise.

Doug then went through areas where consensus has not been reached.

1. CCT correlated color temperature: Applicant - 3500 Kelvin. County - 3000 Kelvin.
2. Candelas and lumens measuring reflection of the building: Applicant - 8 lumens per square foot (8 lumens per square foot which is roughly 27 candelas per square meter). County - 27 candela per square meter.
3. Lumens per improved acre: the applicant - 55,000 lumens per improved acre requested in the code submitted prior to changes in exempt regulations and improved acre definition. County -

25,000 lumens per improved acre.

4. Light trespass: Applicant - 0.5 fc at the property line for non-residential and 0.1 fc for residential. County - strict adherence to the definition i.e. numerical threshold at the property line.
5. Exemption from the general curfew for walkways, stairs, parking lot lighting, controlled by motion sensors. The applicant - require a curfew but motion sensors that would stay on for 15 minutes per trigger. County - allow for a 5 minute trigger duration.
6. Illuminated sign curfew. Applicant - all allowed to be lit until 10:00 p.m. County - sign lighting extinguished after regular business hours and remain unlit until one hour before sunrise.

Doug indicated that the required future approvals are as noted earlier, although the catalyst for this proposed code amendment is a proposed temple, this proposal is not the review or approval of the temple project. The temple may require a subdivision plat, a site plan and a conditional use permit applications. Those applications or other applications have not yet been made and will be reviewed for compliance with County codes at the time of application and will be required to follow the procedures required by applicable law.

Doug Smith then went through some proposed findings:

1. The existing lighting code has been in place in a somewhat similar form since 2003 with several amendments throughout the years.
2. The current code requires a full 90 degree cutoff directed down, and the primary application has mostly been used to regulate street lighting.
3. Attached residential lighting and non-residential building lighting has not been strictly enforced with the code.
4. Application to amend the code was made by the LDS Church. As part of that application the LDS Church submitted a proposed lighting code. The version of the code proposed by the LDS Church allowed for building up lighting.
5. The County is proposing a version of the code that is more comprehensive than the LDS Church proposed code and the existing code and allows for regulated up lighting.
6. The existing code allows any amount of light on a site or building without limits as long as it is directed down.
7. The proposed code places a cap on the total site lighting.
8. The proposed code does not count, as part of the cap, the minimum amount of lighting required by the IBC, FAA and minimum safety lighting for parking lots as regulated using the recommended standards of the IES.
9. The code proposed to use the IES (Illuminating Engineering Society) recommended standards as the requirements for lighting of areas like the parking lots and other pathways and regulated by the IBD. The IES is a nationally recognized organization in lighting standards.
10. The proposed code takes advantage of new technology and best management practices that allows for LED lighting, dimmers, photo cells, timers, motion sensors, directional cutoff and kelvin adjustability.
11. The code is for the entire county and if approved will be used in areas that are proposing institutional uses multi-story hotels, retail, office areas and other developments.

12.. The General Plan requires the County to preserve the views of the night sky and reduce the health impacts of artificial light by requiring all development to have dark sky compliant lighting. Policy 1.1.7.

13. The purpose and intent statements of the existing code and proposed code is to not unreasonably interfere with the reasonable use and enjoyment of property and astronomical observations within the county. It is the intent of this section to encourage, through regulation of types, kinds, constructions, installation and uses of outdoor electricity, lighting practices and systems which will reduce light pollution, conserve energy, provide consistent lighting standards, reduce maintenance and replacement costs while increasing nighttime safety, utility security and productivity.

14. If up lighting is going to be allowed, an updated lighting code needs to be in place prior to a site plan and conditional use approval of the temple so that the allowed lighting and associated impacts of the lighting can be determined and mitigated.

15. The proposed code brings the County closer to compliance with the best management practices (BMP's) as required of municipalities by the International Dark Sky Association requirements for accreditation as international dark sky communities.

16. The proposed amendment balances the health, safety, welfare interests of adequate lighting required under the IBC, FAA, and recommendations of the IES with the welfare interests in reducing light pollution.

17. The staff report is adopted except as modified by respectively the Council or the Planning Commission.

18. All public hearings and noticing requirements under the Wasatch County Code and the Utah Code for adopting or modifying a land use regulation have been followed by the county.

19. Written comments have been considered by the Planning Commission and forwarded to the Council.

20. The proposed amendment is in the interest of the public, and is consistent with the goals and policies of the Wasatch County General Plan.

21. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch County Code.

Doug Smith then went through the proposed conditions:

1. The County Council needs to decide on CCT (kelvin levels).
2. The County Council need to decide on the use 27 candelas per square meter or 8 lumens per square foot, and if 27 candela per square meter or 8 lumens per square foot in the right number.
3. The Council need to decide on the light trespass.
4. The Council need to decide on sign curfew times.
5. The Council need to decide on duration of time for motion sensor lights to remain on.

John Barentine, the County consultant, addressed the Wasatch County Council and then presented a power point presentation. John Barentine indicated that people have a lot of concerns about up lighting and the luminous. We have tried to keep it about best practice. We have identified some best practices after lighting over many years that are intended to provide light where and when it is needed and in the right amount and with the right color, etc., while minimizing the resulting

potential for harm to the night sky and the night time environment.

Recommendations that I have made to the County include as much of that as possible given the constraints that we have to work in with the rest of the land use code. We are trying to prevent neighbor complaints from arising with things like the light trespass provision for example. We have tried to improve the visibility at night. We want to keep the light confined to the places that it is needed and in the amounts, etc. and try to prevent waste. We tried to set thresholds where we could say if you are one side you are in alignment with what the law requires. We put numerical thresholds or very clear descriptive thresholds so that it will be easier to deal with on the enforcement side. Also the recommendation from the International Dark Sky Association is that lighting should be 3000 kelvin or lower wherever possible and so we have set that figure in the staff proposal at that 3000 figure to be consistent with that recommendation and the source should not exceed that number. I also recommended to the County that instead of using lumens per square foot which is this thing called luminance and instead consider the candelas per square meter which is the surface brightness or the luminance and that is where we get into this difference of what we have in our proposal versus what is in the applicant's proposal. It has to do with the type of surface that the light lands on. A smooth surface versus a rough surface plays a great deal in the illuminance light falling on a surface and the color of that surface. Then we were trying to come up with a number to represent this surface brightness or this luminance we wanted something that was comparable to a lot of these other building exteriors. John Barentine indicated that he went to other cities and took measurements. John Barentine indicated that most of the codes that we looked at had no restriction on lighting of surfaces. Also the numbers that are in the proposal are all consistent with what IDA requires so the 3000 kelvin for the color temperature is the same as the IDA standard. They do not specify any particular number for the site limits that is the lumens per acres but there is an expectation that it will be similar to locations that are already in the dark sky program.

John Barentine then went through some measurements that were made last night of some buildings around town that will give you a local point of reference for some of the numbers that I have referenced. John Barentine then went through some of the core changes that we are recommending. If these are enacted in substantial form that they are in now this will make Wasatch County one of the most progressive counties in the United States in regards to its lighting policy.

John Barentine then went through the technical parts and they are mainly the ones where we have some degree of disagreement with the applicant and Doug Smith has mentioned those differences. John Barentine then showed some examples showing some of the technical parts to be considered. One is pertaining to color called color rendition. There is the question of the lumens versus lumens per square foot versus candela per square meter. There is a source term versus a received term. The light that falls on that surface is characterized by something called illuminance, also we deal in foot candles. Also there is the light that the eye actually sees is a term called luminance which is a surface brightness. We prefer the luminance term because it gives you a better and more predictable outcome in terms of what the eye will perceive. John Barentine showed pictures depicting what he is talking about including images.

John Barentine then showed some examples of buildings where John lives in Tucson, Arizona illustrating what he is talking about with regard to materials. John Barentine then indicated that they measured some luminance on buildings in Wasatch County such as the main entrance at the Wasatch High School, the historic tabernacle on Main Street, Karl Malone's building, Zion's Bank Building, main entrance at the Middle School. John Barentine then showed the L.D.S. Temple in Tucson, Arizona because the circumstances are very similar to the proposed Heber L.D.S. Temple and located on a low density residential neighborhood on three sides and the fourth side is on a thorough fare street. They have received no complaints with regard to the lighting of this temple by the neighbors.

Councilman Steve Farrell asked if he can give a definition of up lighting. John Barentine replied that my definition of up lighting which I use the IES definition is light that is projected above a horizontal plane where I define angle zero. If I am omitting light above ninety degrees I call it up light. Councilman Steve Farrell indicated that we did not allow up lighting in the original ordinance. The new proposed ordinance in Heber City now allows up lighting. Do we mitigate that somehow with one of these other measures and what is that? John Barentine showed a picture illustrating that. With modern LED technology we have a great deal of control over where the light goes after it leaves the fixture and what we are requiring is that light has to be designed in such a way that it comes to the edge of the surface that it is illuminating but it is not allowed past beyond that. So it has to be maintained or captured on that surface. We put a limit on how bright that can be that is this candela per square meter and then it is subject to the curfew that would have that light gender extinguished at a certain time of night. For the Dark Sky concerns and it is my opinion as a person who works professionally in this field that up lighting is not incompatible with Dark Skies. It is all in how you do it. You have to very carefully apply that light. In lowering the intensity is the most important way that you can do it. To the extent that yes some of that light reflects off and ends up in the Dark Sky but I took that surface and instead of being a vertical building wall and it were a horizontal a sidewalk, a parking lot, something else and have a light that is shining down that is fully shielded some fraction of that light reflects off the ground and into the night sky and is a contributor to the sky bluff. The right way to think about this is that it is very similar to lighting up a surface on the ground some of which ends up in the night sky as a consequence. The best ways that we can minimize that impact is to reduce the intensity, control it exactly what it is lighting up and to limit the number of hours that light is on during the night.

Councilman Steve Farrell how do we ensure in the ordinance that the up lighting is done correctly? John Barentine indicated that you ensure it in the planner due process. It is on the applicant to show how they are meeting all of the conditions that we put into it. They would have to provide drawings or renderings with angles so that we could be assured that they are capturing the light on the surface so they are controlling it properly. Again we have the ability to do this. If we were having this discussion as recently as about fifteen years ago it would be a very different discussion. LED has been a changing term in this regard because it is so highly controllable in ways that we just could not do previously. The burden would be on the applicant to demonstrate that they have met all of those conditions.

Councilman Steve Farrell asked can we be Dark Sky compliant with up lighting. John Barentine

replied that you can be Dark Sky compliant with up lighting yes sir. Councilman Steve Farrell asked as it is in this ordinance? John Barentine replied as it is in this ordinance yes. The benchmark or the reference of the light I would say is International Dark Sky Association's Dark Sky Community label which permits up light. The assumption is that there would be these controls on it in order to limit its impact. The up light in a code would not preclude the end of a community to become a Dark Sky Community.

Councilman Karl McMillan asked that once these buildings are built do the planning groups go around and take these meter readings to make sure they met what the applicant has proposed and do they say these and are these reviewed? John Barentine replied that I can't speak to this specific jurisdiction because it is not in your code now but in other places the luminance the candela per square meter is something that you mostly find in Europe. There are very few North American jurisdictions that regulate lighting in this fashion but it is widely observed in Europe and it is exactly what you just described. There is a device for measuring and other ways in doing this are much more difficult to achieve in the field. Again with the control ability of LED. I have to know something about the surface materials. Doug Smith replied that with a lot of applications that we see we have a third party reviewer whether that is geotechnical or traffic engineering. I suspect I would do the same thing with this. When a building permit comes in for something with this technical lighting as the temple will probably have I am going to hire a lighting engineer to review that.

Councilman Mark Nelson asked with your slide at the first that listed important changes. You said when you were showing this slide that if we adopted an ordinance like this and this ordinance the way it is proposed that it would be the most or one of the most dark sky friendly ordinances in the whole country. Does that apply to counties and municipalities? You mentioned that this is more popular or trending better in Europe than in U.S. John Barentine replied that there are some cases where you have very small municipalities that might go further in certain regards. They might bring the numbers down a little bit further. They might have an earlier curfew hour but those concepts, the notion of putting limits on things whether it is the brightness of the lighting, the number of hours they can be on, etc. You have got to figure that there are eighty thousand municipalities in the United States and the vast majority of them have no outdoor policy of any kind. Many cities have nothing at all. If you are a very small town they might have a lighting code that doesn't even envision the number of kinds of lighting applications that you would have like in a place like Wasatch County.

If you look at the list of these bullet points here you are absolutely are hitting the highlights of all of those pieces that I would consider to be part of a Dark Sky friendly ordinance that also allowed for a large diversity of lighting applications so that people can have light that they need. Our main priority is we are after safety and utility of light so it is being used as best as possible. In Europe they follow the guidance of the law that puts limits on how bright that can be and it is done in this candela per square meter unit and also turn that lighting off over night.

Councilman Erik Rowland asked if we chose to not enforce a residential component to this how would you reconcile that with Dark Sky compliant code base. John Barentine replied that again

using the International Dark Sky Community label as a point of reference because that is considered to be high achievement in that regard that would require a code that applied to residential the same as it would to any other kind of use. I have been asked would this code make the County eligible for the IDA recognition and the short answer to that is no if you exempt your residential lighting uniformly give it a blanket exemption. It is my opinion for a community that wants to really call itself adhering to Dark Sky principles it should be a shared responsibility and shouldn't just be on the commercial property owners and should also be on the residential owners. That is a big ask of a community as well. A way to avoid letting good being the enemy of perfect is to do it incrementally and down the road you might consider adding in residential.

Councilman Erik Rowland asked what are some of the hardest things to enact or enforce when it comes to residential and what would be the most contentious items? John Barentine replied that you start off with existing homes and with new construction you could do a site plan and require a lighting plan to go along with that and make sure that the worst lighting doesn't go in the first place. Real challenge on the enforcement side for the residential is the existing homes because people have the ability to make changes to their lighting, to put in new fixtures, and they don't need permits to do it. There are a lot of disputes between neighbors that begin with this notion of light trespass by not keeping the light on the property. If there is a curfew in place and people leaving their lights all night and if a curfew is in place and they are supposed to have them off. I think those are the very biggest concerns we have in the enforcement in residential. Neighbors need to talk to each other concerning this. John Barentine indicated this proposal applying the light trespass provision to residential I would say this that we can all agree that what we do on our property that might affect our neighbors really should be confined to our property. We should substitute noise for light.

Councilman Luke Searle asked to look at the slide of the tabernacle again with regard to that number of 393 is that because it is unshielded why you got such a high number there? John Barentine replied is that the flood light that is trying to light up that entire upper part of the building is pickets along the front. As you get the light progressively closer and closer to the surface you have a greater intensity per square meter is getting smaller and smaller you have more of a brighter surface. Councilman Luke Searle thanked him for referring to buildings around the community because it give me an understanding of why candelas per square meter matters and really about the severity of lighting.

Chair Spencer Park asked can you adjust the light trespass in different seasons. John Barentine replied that the trespass part as we have written it into this proposal doesn't depend on making a measurement for different reasons at least is because having something like having a number of foot candles at the property line doesn't take into account what the ambient lighting around you. Everything is light trespassing constantly. You are right about the seasonality in terms of the amount of the light that ends up in the night sky.

Councilman Luke Searle asked Doug Smith when he said about having a lighting engineer would there be sort of a check-off point once the development was done and is that what would happen. Doug Smith replied that the lighting engineer would come into play with the building permit. We

need to be able to measure whether the lighting is okay when they first turn on their lights and we need to be able to go out and measure that and make sure they are at the maximum amounts. Dustin Grabau, the County Manager, replied that we haven't addressed the specific work flows of how exactly we ensure compliance. It would look something like a certificate of occupancy or a substantial completion of a project someone would be assigned to do those types of checks. As far as ongoing enforcement goes largely the county's policy towards code enforcement has been complaint based so it gets back to the neighbor's issue of if people notice that their neighbor is having an issue and aren't able to work it out with that neighbor they could come to the County and we have existing provisions within our code for how we go about code enforcement. If we did go the route of residential we have mechanisms for how we would address those if people chose to violate that code.

Applicant:

Curtis Miner, representing the LDS Church and an architect with Core Architecture, our firm has been hired by the LDS Church to represent the Heber Valley Temple. He presented a power point presentation and then indicated that the reason for the request is that the current Wasatch County outdoor lighting regulations Section 16.21.16 seem to have been written to govern very simple outdoor lighting conditions consistent with the character of the County when they were adopted. The proposed amendments allow the County to objectively govern installation of lighting systems on new and upgraded existing properties while protecting the original intent of the lighting code.

The proposed changes create an objective framework for lighting design to adequately address public safety, to preserve natural night time dark conditions and to allow appropriate and subtle highlighting of buildings and landscape features to support the economic growth of the County. Further the proposed changes identify and define appropriate hours of lighting operation, provide standards for lighting type, color location, brightness, back light, up light glare trespass, etc. Also establishing a thorough and complete outdoor lighting standard will remove the challenging and subjective lighting design environment in Wasatch County. What we are trying to do in our application is help create reality out of your vision for dark sky. The County and the church recognized together that the existing ordinance needed to be amended to meet the objectives of the purpose statement including the ordinance itself.

To help us with this matter we used the examples as a way to study the application and outdoor lighting principals on an actual building. We studied three separate issues.

1. The first one is architectural lighting, correlated color temperature.
2. The second one was to try to understand what the appropriate amount of architectural lighting for Wasatch County would be.
3. And the third the correct units of light measurement, lumens per square foot versus candela per square meter.

1. We studied four different correlated color temperatures that seem to kind of capture the reigns that kept coming up consistently in our conversations. Our preference would be for 3500 kelvin light which is a slight variation from the 3000 that staff has recommended. The FAA regarding the

air space and the first option was to light to the top third of the tower at fifteen foot candles. The other option is to have a flashing red beacon on the top which we are not excited about. The beacon would be on the shorter and the larger tower.

2. What we are really interested and concerned about is that there be a way to design the building to review the building and enforce the architectural lighting on the building. Our preference would be using a candela per square meter that we change to a lumen per square foot as a basis for easement. We are just trying to create a situation where it is designable, reviewable and enforceable. The site lighting goal is to do as little as possible to put as little light on the property as possible in order to protect the safety, utility and security of the building.

3. We support the issue to define the developed acre, establish a maximum of lumens per acre and exclude lighting controlled by higher agencies. We need to minimize the light required. We are in agreeable with everything except what is listed here.

The three things that we are not agreeable to is what Doug Smith mentioned earlier. The Church supports the efforts of Wasatch County to establish a comprehensible and enforceable ordinance that limits the outdoor lighting qualities and protects the dark night sky. The Church is not seeking an outdoor lighting exception or variance. The Church has offered to make significant reductions to its temple lighting standards to comply with the ordinance. The Church is proposing to go to eight lumens per square foot.

Curtis Miner indicated lighting zones are included in the model ordinance that was created by IES in ninety-eight. The purpose of those lighting zones is to treat differently different areas of the community. They are not considered because of complexity of management and lighting zones might be a separate issues.

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Public Comment:

Chair Spencer Park then opened the meeting up for public comment: Chair Spencer Park indicated that the comment period is for two minutes.

GEORGE HANSEN, 360 South 250 West Midway. This is not a Dark Sky Ordinance which it is not. We need to work together to solve this. There is a question about height and lighting.

JIM RITCHIE, Heber. We need to have this building lighted up and is lighted up as bright as it can be.

JEFF WEISS, I live about a mile and a half east of the proposed location. Lighting zones are very important. Strongly object to the amendment in its current form due to lack of lighting zones.

DON METSCURE No up lighting. We have to be a good neighbor. This should not be rushed.

JOHN NORTH, Lake Creek Farms. We need to improve the light ordinance and make it better. We need to do residential, parking lots, large governmental buildings and also become Dark Sky certified as a community.

J.W. DAVIES lives at Lake Creek Farms. Support the approach to this. I am the one that started the on line petition, called let the light shine on the temple. Support the amendment to this lighting ordinance

MITZE BALLSTEADT, lives in Lake Creek Farms. Support the update to the existing ordinance.

STUART WALDRIP I live at 817 Double Eagle Drive in Midway. He apologized for some of his comments made at the Planning Commission hearing. We have a good light ordinance and not let it get attacked by perfection and move it along as quickly as possible.

ALLISON SALSBURY: I live in Heber. We need to be neighborly.

KIM CLIFTON: I live in Heber. Lights stop vandalism. Up lighting helps all of us.

DAVID DAVIES: I live in Timp Meadows. Lighting is important.

JEFF HAWKS: 1657 North A-1 Peak Circle in Red Ledges. What has been done is very thorough. I strongly support this Dark Sky Ordinance amendment. I would ask you to approve this.

CARL WOLMASS: Resident of Red Ledges. Everything will be up lighted. Public needs to have a seat at the table.

BOB HENDY: I live in Heber City. Concerned about the tower issue and up lighting is expensive and hard to control. Require lighting zones.

BOB THROMAN: I live in Heber City. The public record needs to be made available upon request from the public to be studied and released forthwith.

HEATHER LOERSTCHER: I live in Heber. Support the applicant's application has been written and include the three provisions they asked for.

JOHN ROGERS: I live in Heber. Curfews should be lighting zone specific. Curfew should be one hour after sunset. Curfew should apply everywhere. Curfews should be adjusted seasonally. Use lighting zones to apply to curfews.

MARIA WORMACK: I live in the Red Ledges. In favor of a Dark Sky Ordinance one that is comprehensive that Wasatch County can get behind. We need to be good neighbors. We need lighting zones.

CATHERINE MOSS: I live in Red Ledges. Concerned with up lighting. Let's be good neighbors and protect the dark skies.

BURKE RONEY: I live in Center Creek. Thanked everyone for their hard work. This amendment is a huge improvement for protecting Dark Sky.

TODD BERG: I live in Heber. I do support the amendment. Dark Sky hasn't been in this valley for twenty years or so. We need to protect what we got. I agree with zones.

RALPH WOOD: I live in Heber City and have a direct line of sight for the proposed temple concerned about the air flight path.

BILL MARBLE: I live in Heber City. I fully support a Dark Sky community. Needs to go to residential areas.

MIKE BROWN: I live in Heber. Up lighting provision effectively eliminates the ordinance as Dark Sky compliant. Let's put up lighting on the ballot and let county residents vote.

DAVID SPEAR: I live in Wasatch County. The ordinance is not finished yet and concerned about up lighting. Let's go back to the drawing board a little bit.

JAY CHRISTENSEN: I live in Heber City. This issue has been rushed. There is no pressing need for immediate action on this. Send it back to the Planning Commission for a more careful thought.

DOUG (NO LAST NAME GIVEN): I Live in Heber City. We need to be a peacemaker regarding this matter.

KELLY ROGERS: I live in Heber. You need to make the lighting ordinance so it builds a strong community. Consider how zones and up lighting completely affects being a good neighbor. We need further study.

JOHN HEINY: I live in Heber. In favor of the lighting amendment.

TERRY SHOEMAKER: I live in Charleston. To remain dark is going to be difficult. The Church has proposed an ordinance that protects their interest and your interest and urge you to adopt it.

LORI BULBY: I live in an unincorporated area of Wasatch County. The Council must institute lighting zones that apply to all of us. Disallow all up lighting, restrict architectural lighting and apply appropriate variable curfews by zones for any and all property owners.

WADE CARPENTER: I live in the Lake Creek Farm Area. I support the lighting amendment as submitted by the petitioner. Would urge the Council moving this ordinance forward this evening.

HEIDI FRANCO: I live in Heber and am the Mayor of Heber City. This lighting ordinance might apply to the UDOT proposed bypass route and would urge you to check into that.

CARL GREY: I live in Wasatch County, IDA Certification is no guarantee of elimination or reduction in light pollution. I would recommend this adoption with the amendments by the applicants.

COREY NOISE: I live in Heber City. There is a wild conflict of interest that represents in this issue and recuse yourselves from voting if you have one.

SADIE GENTRY: I live in Lake Creek Farms. Let the lights shine.

SAUN TABERINO: I live in Wasatch County. Lighting zones give the County more flexibility. Parking lot exclusion, adjust curfew for the large seasonal swings in sunlight and snow. Eliminate up lighting. Take more time to thoughtfully consider this amendment.

RANAE WATTS: I live in Heber. Proposed code did not include a lighting specific enforcement section. Lighting zones are critical to consider with this ordinance and up lighting should not be considered.

ROB WATTS: I live in Heber. Let the light shine on the process. Some believe this does not represent the beliefs of all residence.

JULIE LIVINGSTON: I live in Heber. We enjoy the Dark Sky and let's do what it takes to keep that.

JULIE MONAHAN: I live in Heber. We need to consider the wildlife, etc. and what affect lighting does to wildlife and the ecosystems that we are all part of. The plan needs further modification to protect our skies and to provide the best long term policy for the County.

ALLISA HAINES: I live in Wasatch County. Not in favor of up lighting. The General Plan is very clear on lighting and hold very firmly to what the General Plan says with regard to lighting and say no to the proposed amendment.

LISA MISNER: I live in Heber. I support a more restrictive ordinance and go for full Dark Sky certification. Up lighting for countywide is a bad idea. Include residential development because of so much development.

RICH CLIPTON: 1380 Mills Lane. We want to protect our community with regard to lighting and that is done by having a more restrictive lighting ordinance.

JAKE CARVET: I live in Wasatch County. There is no Dark Sky because that died many, many years ago. This issue should have be taken care of many years ago. I have no opposition to the amendment proposed by the applicant.

CHRISTIAN THOMPSON: I live in Heber. We have a great opportunity to bring the Dark Sky back to Heber Valley. This should be applied to private residences and if up light is necessary make it seasonal but it off an hour after sunset.

JENNY ALANORTH: I live in Heber. Let the light shine. If the church didn't want to upgrade the lighting ordinance would Wasatch County even be considering it?

TYLER OSTERGUARD: I live in Wasatch County. I support the proposition to light the temple. Compromise is crucial. Thank you very much.

SANDY HINDE: I live in Heber. The code amendment is not complete and there are no detailed restrictions for holiday lighting. Encourage that you enact an exact holiday lighting period along with particular the lights out policy for Wasatch County. Too much outdoor lighting. Get more detail on this before you vote.

LISA BAHASH: I live in Heber. Protecting Dark Skies. The documents from the experts were not included in the packet and not provided by our Grama request. Insufficient time for the general public to study the packet. The issue needs to be tabled.

ROBERT LOCKHEAD: I live in Midway. Up lighting isn't compatible. Regulated up lighting is a reasonable balance. This is a good proposal and good balance and submit it should be passed.

RICHARD GETTS; I live in Heber. Just take your time. We don't have to do this tonight.

NELDA MCCALLISTER: I live in Wild mare Subdivision. In favor of building the LDS Temple here and the new amendment endorsed by the LDS Church.

BLAKE BAIRD: I live in Lake Creek area. Appreciate the applicant in trying to put together an appropriate lighting for the structure and still maintain Dark Sky.

MATTHEW SANDERS: I live in Lake Creek Farms. Lighting zones should be considered. I support the amendment. With respect to the curfew I would recommend that you consider hours of operations and not just simple curfew at sunset provides for safety concerns of those who are attending the facility. Take more time to study this proposal.

PAUL BALLIF: I live in Wasatch County. We need to work together. Thank you for the time and efforts.

CINDY PENNIGTON: I live on 1200 South 2300 East. I support the amendment to the lighting ordinance.

DAN WISER: I live in the community. I am for what has been discussed tonight and think it is great. We need to help with the lighting because more lights are coming to our community.

GARY MAXWELL: I live on 4800 East on the eastside of the valley. My experience is to rely on the experts and what they say because they have studied the matter and will help you make the right decision.

MICHAEL MATHUSEN: I live in Wasatch County. This amendment should be looked at and considered.

MARGARET (NO LAST NAME GIVEN) I live in Heber City. What would have happened if the Temple hadn't made this proposal and been a driver? People of the county need to be much more involved than they are right now.

BILL IVIE: I live in Red Ledges right across the street from the temple location. I feel that more time should be taken. This is a legacy issue with big implications for decades. We should have lighting zones with no exemptions for parking lot lighting or FAA lighting for example.

PAT JONES: I live in Heber. Health is impacted by artificial lighting.

DEVAUN BARNEY: I live in Heber. Lights will be sufficient if they are down light and lets preserve Heber Valley the best we can regardless of how much growth is in the future.

BRAD BAIRD: I live in Center Creek. In Wasatch County we have watched our dark skies be degraded, water quality degraded, air quality degraded and watched our wildlife and wildlife habitat be degraded. I am in favor of light and the church has proposed an appropriate amendment. Residential lights is the big elephant in the room.

JEFFREY KIM: I live at 170 East 300 South. For no up lighting. You need to include the parking lot as part of the calculation.

CLINT CARTER: I live in Heber. The church has done a great deal in compromising with the matter. Residential is important to be considered.

Chair Spencer Park then closed the public comment:

The record should show that the Wasatch County Council took a brief break and then will come back for discussion.

(WHEREUPON, A BRIEF BREAK WAS TAKEN.)

The record should show that the Wasatch County Council is back in session and all Council Members are present and a motion was made by the Council after some discussion.

Councilman Steve Farrell indicated which is worse having a residential code and not enforcing it or not having a residential code at all. I can see reports and not enforcement. Doug Barentine replied you would convince yourself that you are solving the problem and then you turn a blind eye to it but the end result is the same. Councilman Steve Farrell that is why I am afraid where we would be but I think we need that.

Chair Spencer Park it is the earlier comment about liking it to a noise complaint. I mean we don't go out and make sure people are quiet or their houses are sound proof but we get a complaint we address.

Councilman Kendall Crittenden replied that there has been a lot of great comments made this evening, great ideas on both sides of the issue. As I thought about it I think perhaps for me one of the most significant statements that was made toward the end by the gentleman that said that the best way to remove the motion on the decision is to rely on the experts. I know a lot of people who spoke today that considered themselves experts but they haven't spent their entire life on this and spend only the last couple of weeks looking at this and looking at everything they could find on

the internet and everything they could come up with to help in their argument whatever said that they are on. I think we have some true experts. I am grateful that I chose the best consultant in the whole United States thank you Dr. Barentine. I think that we have had some great information. He has worked hard and very considerate on what we are doing and what our needs are and what our issues are here in the County. He states what he feels about the ordinance that we are looking at. Even with the applicant's request or the County's either way he is not differentiating obviously he would prefer one over another perhaps but he is saying either way it is a great Dark Sky Ordinance. Thank you.

Councilman Erik Rowland indicated he really does appreciate our County Planner going out and searching and sounds it like he went through an exhaustive list of different people for looking at the lighting ordinance and he found a really good person that would be able to give a lot of expertise. Our community is not necessarily the same as every other community. So I am appreciative of the process including all of you. Got lots of e-mails to read and we had a really great discussion and listened to all of the comments and the Planning Commission and those here tonight and appreciate all of those things just like Councilman Mark Nelson has said. That is a very important part of this process. What we will decide will matter just as much. I really appreciate twenty years when the General Plan was created that those statements were put in there and our current ordinance was in place that is way better than nothing. I think that we are at a place where we should move forward with this ordinance with some adjustments and I am fine that we can continue that as long as there are deliverables of what exactly we want to accomplish and I think those have been outlined a little bit. There has been a couple of comments made about if they were somebody else or if this happened. The reality is that this is the project that came about and now we are looking at this ordinance. I do think that with what we have now it is a better ordinance and I truly feel it is a strong reflection on our ability to look at all the facts and try as much as we can to remove emotion and try and present something that is better. It is not going to be perfect but it is better. I think there are some things that we can clarify during this time between now and April 19th we can do that with directions from staff. Specifically to methods to measure the candelas. I do agree if we had something more specific in the proposed ordinance that says this is how we can measure these candelas that would satisfy the applicant. I think also those in the future who would be bound by description. Some discussion on an interactive approach if again if we go this route it will affect every resident in the county regarding residential. If there is a method to do this then it is worth looking at. Because of its effect I think that are a lot of questions that we would have to try and find answers for.

So I (Councilman Erik Rowland) would make a recommendation or a motion if it is possible to table this discussion until the 19th to allow staff time to present additional information in respect to methods for measuring in candelas.

Dustin Grabau indicated there was mentioned curfews and I imagine that includes best practices with curfews, holiday lighting code changes and lighting zones, residential lighting . Councilman Kendall Crittenden replied that up lighting wasn't mentioned in that list.

Councilman Steve Farrell indicated that he will second the motion: but I would like to say something first. I have a hard time recognizing that we are not just approving the temple lighting plan. We are approving an ordinance that is going to be affected all over the County. As Councilman Erik Rowland has said in the Jordanelle Basin we are going to have a lot of big developments up there. That is going to have to abide by some form of this lighting ordinance. I think the time is here. We need to take the steps and the ordinance that we have got is a good foundation. I think that we can refine it a little bit better. I question that maybe we ought to put a little emphasis on enforcement. What does it mean if they violate it? Is there an enforcement arm to this that we need to address? I like to see a little more on definitions. I like to see a condition of what we are going to approve and if we allow up lighting. Like to see that in the definition a definite form so that we know what we are approving. Just to say up light it could be anything. I think that addresses everything. I would like to give it some time and I agree with Councilman Erik Rowland that the 19th would be a time that we ought to be able to wade through it and weed it out so with that being said I will second that motion.

Councilman Karl McMillan replied that I just have one comment. Is there anything that the planning staff feels that we are being delinquent on getting guidance? Doug Smith, the Wasatch County Planner indicated that what he has got listed is methods of measuring candelas, curfews, holiday lighting, residential lighting, enforcement and then a definition of up lighting and I want to make sure that I understand what you are saying Steve. Councilman Steve Farrell replied that what we need in the ordinance by up lighting.

Chair Spencer Park indicated that I have got a motion and a second. Is there any more discussion. If not we will go ahead and vote on the motion.

AYE: Mark Nelson
AYE: Erik Rowland
AYE: Steve Farrell
AYE: Chair Spencer Park
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan.

NAY: None.

That motion passes and we will have it on April 19, 2023 AT 4:00 P.M. This will be held in our regular council chambers. Doug Smith indicated that on April 19, 2023 it will be in the 25 North Main Building. Chair Spencer Park indicated that public comment has been closed.

ADJOURNMENT

Councilman Kendall Crittenden made a motion to adjourn. Councilman Luke Searle seconded the motion and the motion carries with the following vote:

AYE: Chair Spencer Park
AYE: Mark Nelson
AYE: Erik Rowland
AYE: Steve Farrell
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan

NAY: None.

Meeting adjourned at 11:00 p.m.



SPENCER PARK/ CHAIRMAN

JOEY D. GRANGER/CLERK/AUDITOR