

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 9, 2020

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, Sarah Hall, John Kenworthy, Laura Suesser, Doug Thimm, Christin Van Dine

EX OFFICIO: Planning Director Bruce Erickson; Hannah Tyler, Planner; Alexandra Ananth, Planner; Rebecca Ward, Planner; Mark Harrington, City Attorney

The Planning Commission meeting was conducted virtually via Zoom.

The public was able to submit eComments during the meeting.

Determination of Health and Safety Risk under Open Public Meetings Act (OPMA)

Chair Phillips read the Determination of Health and Safety Risk under OPMA. Notice of electronic meeting and how to comment virtually. The meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act Section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 18-2020 adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4) attached as Exhibit A.

The Commissioners will connect electronically. Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. eComments submitted before the meeting date will be attached to the packet as appendices. eComments submitted on Planning Commission meeting days will be read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org

Chair Phillips read from Exhibit A, Determination of Substantial Health and Safety Risk. On August 26, 2020, the Planning Commission Chairperson determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. Utah Code Section 52-4-207(4) requires this determination and the facts upon which it is based, which include the percentage of positive Covid-19 cases in Utah has been on the rise since May 27, 2020. Positive cases from testing have increased from 4.96% to 9.23% during the month of June, and COVID-19 patients in Utah hospitals have increased during the same time period. As of June 25, 2020, there have been 158 deaths in Utah due to COVID-19. Summit County has the third highest case rate of COVID-19 in the state.

This determination is valid for 30 days and is set to expire on September 26, 2020.

ROLL CALL

Chair Phillips called the meeting to order at 5:40 p.m. and noted that all Commissioners were present except for Commissioner Sletten, who was excused.

APPROVAL OF MINUTES

August 26, 2020

Chair Phillips referred to page 38 of the Staff report, second paragraph from the bottom, third line up and changed Reddit to correctly read **Rebit**.

Commissioner Thimm referred to page 49, second line from the bottom, and changed the word term to correctly read **terms**.

Commissioner Kenworthy referred to page 48, third to the last paragraph, and changed they are some to correctly read **there are some**.

MOTION: Commissioner Thimm moved to APPROVE the Minutes of August 26, 2020 as amended. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

No comments were submitted on items not on the agenda.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Kenworthy asked if anything was decided at the City Council meeting with regards to including the south end of the golf course property in the UPZ ordinance where the roundabouts were proposed.

Director Erickson reported that the Deputy City Manager and the Transportation Engineer met with the developers earlier in the week. At this point, they were considering alternatives to the western roundabout. He did not believe the City Council would be involved for a while. Director Erickson thought there was little positivity for giving up City land unless it is for a pure City benefit.

4.A. Note of Appreciation

Chair Phillips read a note of appreciation to Planner Hannah Tyler who was leaving Park City and moving to California. The note of appreciation outlined all of Planner Tyler's accomplishments from the time she started working as an intern in the Park City Planning Department in 2012 until now. Her accomplishments ranged from the McPolin Barn Preservation Plan, to permitting for the Sundance Film Festival, to updating the Historic District Design Guidelines and the Historic District Land Management Code. She was involved in the convention chain business ordinance on Main Street, as well as the regulation of Food Trucks, the Woodside Phase I and 2 Developments, the preservation of Historic Mine sites, and mentoring the Staff. The note of appreciation recognized Planner Tyler's dedicated work ethic and humor that strengthened the Planning Department over the past several years.

Chair Phillips thanked Planner Tyler for all she has done. He was sad to see her go and wished her a bright future. Chair Phillips stated that it was also a pleasure to have worked with Planner Tyler in a different capacity on the Glenwood Cemetery Board.

Planner Tyler stated that it was a difficult decision to leave Utah, and specifically her job in Park City. Everyone has been great to work with and she has learned so much. As the Planning Commission changes, the Staff changes with them. Planner Tyler hoped that she was leaving Park City better than she found it.

Commissioner Thimm wished Planner Tyler the very best and thanked her for all has done. He could attest that Park City is a better place because of her.

Commissioner Kenworthy stated that Planner Tyler would be missed on many levels. Commissioner Van Dine echoed that sentiment and thanked Planner Tyler for all the work she has done.

4.B Appointment of Commissioner Laura Suesser to the Technical Advisory Committee for Park City Forward: A Transportation Blueprint Project.

MOTION: Commissioner Kenworthy moved to APPOINT Laura Suesser to the Technical Advisory Committee for Park City Forward: The Transportation Blueprint Project. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

4.C. Richardson Flat Update

Planner Ward provided a brief update on the Richardson Flat annexation. She presented images. The image on the left was the Exhibit B to the pre-annexation agreement that the Hideout Town Council adopted on July 9th. The image on the right was the Exhibit that was included in the packet for the Hideout meeting last night.

Planner Ward stated that on July 9th the Hideout Town Council passed a resolution to annex property in the Richardson Flat area under HB359, which was passed at the last minute at the end of the 2020 Legislative Session without disclosure of changes that allowed Hideout to annex property in the Richardson Flat area without Summit County's permission. Since that time, Summit County has filed two lawsuits against Hideout. On July 31st the County sued Hideout claiming they violated the Open and Public Meetings Act. On August 29th, the Legislature repealed HB359; however, the repeal does not go into effect for 60 days, on October 19th. In addition, the Legislature may reconsider the legislation of cross-county annexation in the next session.

Planner Ward reported that on August 26th Summit County filed a second lawsuit against the developer and others arguing that the foreclosure of sale on property in the Richardson Flat area was an illegal subdivision because it carved out OU1 from certain parcels. Summit County also alleges that the foreclosure sale was illegal.

Planner Ward stated that regarding the first lawsuit, on September 3rd, the judge issued an injunction that prohibited Hideout from moving forward on its July 9th pre-annexation agreement. However, the judge did not enjoin Hideout from passing a new annexation resolution under HB359 before the repeal takes effect. Planner Ward clarified that the case is still pending for Open and Public Meeting Act matters, but Hideout can still annex under the short-lived HB359 until October 19th. Planner Ward stated that in order to do that, Hideouts needs to adopt a new Intent to Annex Resolution. Following that, they cannot act sooner than 30 days due to a three-week consecutive notice requirement before final action.

Planner Ward reported that on Friday night the Hideout Town Council held a public meeting to discuss their options with annexation. Last night the Town Council met again. She presented the proposal that was included in the agenda for that meeting. Chair Phillips asked when the agenda was published. Planner Ward believed it was published on Monday. Since the agenda was published and during the meeting, the developer proposed changing their proposal even further based on input from Park City. The developer amended the plan further to remove the property that is under the Flagstaff Development Agreement. She pointed out the area included in the Development Agreement. Planner Ward stated that in the Hideout meeting last night, Representative Quinn and Senator Winterton provided input to the Town Council about the legislative intent when HB359 was repealed. They explained that the bill was

repealed with the understanding that local entities would work together to plan regionally. The 60-day repeal period was not intended to be a window to enable Hideout to move forward under the repealed legislation. Planner Ward stated that last night Hideout took no formal action, but they will continue the discussion tomorrow night. She remarked that although the developer removed the parcels under the Development Agreement to protect the City's interest in the Flagstaff development restrictions in this area, Park City filed a motion to intervene in Summit County's case against the developers. Planner Ward stated that today the judge granted Summit County's temporary restraining order enjoining the developer from selling, transferring, or taking any action on parcels in this area that Summit County is claiming were illegally subdivided.

Planner Ward stated that the Hideout Town Council will meet again tomorrow; and a regional planning meeting is in the works to bring all the parties together.

Chair Phillips stated that he listened to the Hideout meeting the night before and he appreciated that two State Legislators provided an explanation of the Legislatures intent. Chair Phillips assumed that Hideout would heed their advice and take a step back. He understood that Senator Winterton was going to facilitate talks with the entities of Hideout, Summit County, Park City, and Wasatch County in the near future. Chair Phillips thought that if the entities had discussions it would primarily be about the legislation. The legislation is being repealed and the Legislature may take it up again in the next session. He expected the legislators to look at the broader picture of how the legislation would impact the entire State, rather than drafting legislation to make this particular project work. Chair Phillips stated that if there is a meeting between the entities, he thought it would be beneficial to also include representation from the Planning Commission.

Commissioner Kenworthy asked if a portion of the Richardson Flat land was included in the Park City Annexation Map. Planner Ward indicated the area that is in the City's Annexation Expansion area that was adopted last year.

Chair Phillips understood why Hideout wanted a voice at the table, but he agreed that Hideout has not taken a cooperative approach. He noted that Legislators Quinn and Winterton pointed out last night that there is a process of working together and that is the proper process for Hideout to have a voice to achieve what they need.

Commissioner Suesser asked when this would be discussed by the Legislature. Planner Ward did not believe a special session was proposed. The legislation was proposed to be re-visited in the 2021 General Session starting in January.

Commissioner Thimm asked about reference to a joint City Council/Planning Commission meeting. Director Erickson stated that it was scheduled for September 17th. He was unsure of the time or what items were on the agenda. The Commissioners would be notified as soon as there is more information.

CONTINUATIONS – (public hearing and continue to date specified)

- 5.A. 1128 Park Avenue – Conditional Use Permit – The Applicant Proposes to Construct a Basement Addition using the Footprint of the Existing Historic Structure Located within the Building Setback (Application PL-20-04607)

Director Erickson stated that Planner Barhorst was still working on setback issues and a portion of the house that may or may not be placed within the building setback. The Staff recommended continuing this item to September 23, 2020.

Chair Phillips opened the public hearing. There were no comments. Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE the 1128 Park Avenue CUP to September 23, 2020. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

- 5.B. Twisted Branch Road – Subdivision – REDUS Park City LLC and Park City Municipal Corporation are Proposing to Create Two (2) Lots of Record for 1) an Existing City Pump Station; and 2) a Private On-Mountain Restaurant. The Plat Also Creates Four (4) Non-Development Parcels for Deer Valley to be Used for Access, Utilities, Ski Runs and Open Space. The Property is Subject to the Amended Flagstaff Development Agreement and Technical Reports. No Changes to SR224 are Proposed. (Application PL-17-03664)

Director Erickson stated that this item was going through an additional detailed review process due to land ownership and other matters.

City Attorney Harrington stated that both the applicant a party from Brighton Estates had requested a continuance to work on some matters. The Staff recommended continuing this item to October 14, 2020.

Chair Phillips opened the public hearing. There were no comments. Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE the Twisted Branch Subdivision to October 14, 2020. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

WORK SESSION

6.A. Work Session regarding the City's Land Management Code Lighting Regulations to Consider Opportunities to Update the Code to Align with Dark Sky Regulations (Application PL-20-04545)

Planner Liz Jackson stated that the Staff was looking for feedback from the Planning Commission as they move forward with potential Code amendments.

Planner Jackson provided a brief overview of the Dark Sky Movement. She noted that the movement began as a method of light pollution reduction. The International Dark Sky Association (IDA) provides resources and education for the community regarding dark Sky benefits and protection of the starry sky. Utah has two official dark sky communities and numerous dark sky parks. Planner Jackson stated that this was on the back burner in Park City as being important, and it is now coming to the forefront. Protecting the night sky goes hand in hand with sustainable tourism as a priority of the City.

Planner Jackson stated that Flagstaff, Arizona is the kick starter of the IDA and Dark Sky Movement. Flagstaff did the first lighting ordinance in the world in 1958. It is a good precedent to look at because they have a population of over 70,000, but they still have an extremely dark sky.

Planner Jackson thanked Planner Ward for her work on this project. Planner Jackson stated that the Staff looked to align with the Summit County lighting code and what they have done in years past. The IDA and industry standards are also updating. Planner Jackson remarked that the Park City Lighting Code exists, and protections are currently in place for down directing and shielding. However, those are outdated, and it is important to move forward on updating the standards in order to better keep a dark sky.

Planner Jackson presented a list of different communities and resources the Staff had researched.

Planner Jackson stated that reducing light pollution saves energy, lessens impacts on human and eco system health, and increases public safety. She presented a graphic

with principles from IDA, including light only what you need, use energy efficient bulbs and only as bright as what you need, shield lights and direct them down, only use light when needed, choose warm white light bulbs.

Planner Jackson reviewed the proposed amendments. The first portion was to amend the Purpose subsection. She explained that a subsection currently exists in the Lighting Code; however, there are other purpose statements throughout the Code and this was a better way to update the intention and purpose for the Lighting Code and Dark Sky, and to collect the different pieces scattered throughout the Code related to lighting.

Planner Jackson stated that another aspect of the amendments was to enact a subsection to establish a light trespass standard. She noted that this was standard in other communities that do a Dark Sky Code. Light trespasses when light is falling where it is not intended or needed. If Park City intends to limit light in that way, it would be good to have that standard to the Code.

Planner Jackson stated that currently there are foot candle measurements in the LMC as far as something the industry leaders and applicants can look to, but it is tricky and high-level. The Staff decided that establishing lumens as the metric for lighting regulations was a simpler and more intentional way to limit lighting. It also aligns better with IDA standards. Planner Jackson noted that Summit County recently removed foot candles from their Code and this amendment would align with the County.

Planner Jackson remarked that another amendment would be to establish a maximum of 3,000 degrees Kelvin for outdoor lighting. There would be some exceptions, especially for safety lighting or certain functional lighting. She pointed out that the 3,000 degrees Kelvin temperature of light keeps it to a warmer light versus a really cool light, and that has a better effect on the night sky. Planner Jackson stated that another aspect is to require all outdoor lighting to be fully shielded. The Planning Department has been practicing that; however, it needs specification in the Code.

Planner Jackson stated that the Staff would like to amend the LMC to address LED. Currently, there is a lot of talk in the LMC of different lights that are out of date. It also talks about fluorescent lights being the suggestion for residential lighting when that is no longer the case. LEDs are more efficient and last longer. Planner Jackson remarked that parking area lighting in the Code should better align with the Lighting Code and possibly establish additional setbacks and sensor requirements for lighting in large parking lots. This is a way to limit light trespass and over-lighting.

Planner Jackson stated that another aspect is to establish outdoor lighting standards for ridgeline development within the Sensitive Lands Ordinance. Summit County talks about ridgeline development specifically and the Staff would like to look into that further and possibly add in regulations for that part of the Code. Another aspect is to consolidate lighting regulations for historic structures and the historic districts. The Staff was proposing to clarify the definition of historic lighting and consolidate all the information that pings throughout the Code into one section.

Planner Jackson noted that prohibitive lighting also pings back and forth throughout the Code and they would like to consolidate the information to make it easier for the community members and the Staff to review. The Staff was also proposing to replace the term fossil fuel light with gas lamp. Fossil fuel light has been confusing in the past for the Staff and for the community members.

Planner Jackson stated that another aspect is to update and add definitions to the Code that will establish consistent use of specific terms, including floodlight, fully shielded fixture, light trespass and spotlight. Outdated terms would be removed.

Planner Jackson stated that non-conforming lights are exempt at this point. However, if the Planning Commission would like the Staff to move forward, they could establish a timeline or incentives for property owners to bring lighting into compliance with the LMC. Planner Jackson remarked that it takes time and resources, and it is also difficult for the Staff to look into properties and know when the lights were put in or the type of lights.

Planner Jackson stated that the Staff would conduct public outreach regarding the proposed amendments and include HOAs, builders, and others in the industry. They would also do an informative website landing page about possible amendments and overall information, social media pushes, and a mailer.

Planner Jackson outlined additional points for the Commissioners to consider. Regarding nightly rentals, if the Planning Commission would like to move forward, it is possible to require that outdoor lighting be turned off when nightly rentals are vacant. Regarding street lights, Planner Jackson stated that the Staff would work with the Transportation and Engineering Departments to establish land use lighting limitations for street lights on roads that are part of subdivision approvals, as well as establishing lighting standards for bus stops that are a part of MPDs.

Planner Jackson presented an example mailer from Moab, Utah, which has great imagery, as well as information on why the City updated lighting standards, how people can update lighting on their own property, and how the Code affects them.

Planner Jackson presented an established timeline, which included completion of public outreach by October 21st; coming back to the Planning Commissioner with the proposed amendments by November 11th; and moving the amendments forward to the City Council in December based on Planning Commission recommendation or edits.

Commissioner Suesser asked about the City Park lights over the baseball field. She wanted to know where those fall in terms of the proposed regulations and whether an exception has been carved out for the big spotlights that go on. She heard from a number of people that the lights are very intrusive. Commissioner Suesser asked if these regulations apply or whether the lights could be focused more on to the baseball field so they do not interfere with the community.

Planner Jackson replied that currently recreational lighting is exempt from certain requirements. The lights are required to be turned off by 11:00 p.m. She noted that the Staff was trying to figure out how to handle recreation lighting and she welcomed the Commissioner's feedback. Planner Ward agreed that there are exceptions for recreational lighting; however, there are plans to update some of the lighting. As the technology develops under these Dark Sky ordinances, some lights for recreation do comply with Dark Sky regulations. Planner Ward stated that the City's contact for recreational lighting understands the Dark Sky ordinance and the requirements for mitigating the impacts. She clarified that there have been proposals to update those lights over the years, but there is no specific plan or timeline at this time. Planner Ward stated that as the technology develops the impacts will lessen.

Chair Phillips was interested in identifying which City properties would not comply. He suggested that the City make a plan to upgrade the lighting with the new Code amendments to set a good example. Chair Phillips commented on private residences with tennis courts or basketball courts; however, he thought the Staff was already looking to address that issue. Planner Jackson thought Chair Phillips made a good point. They have had conversations with different departments throughout the City and great efforts have been made to update different lights. If not the fixture, at the very least the bulb type and the output of the bulb. Planner Jackson believed the Staff could look into identifying the number of City property lights.

Commissioner Suesser asked if enforcement of residential lighting was complaint based, or whether the City is proactive in checking for compliance and citing people for non-compliance. Planner Jackson replied that residential lighting is primarily enforced through complaints. Lighting is also conditioned and inspected through a building permit.

Commissioner Kenworthy thought changing to lumens was a smart decision. He also favored aligning with the Dark Sky regulations and believed it was long overdue. The old Codes need to be updated and he supported the amendments.

Commissioner Hall echoed Commissioner Kenworthy.

Commissioner Thimm agreed with Commissioner Kenworthy. Regarding changes to the recreation field lighting, he thought they should take into account the importance of having a place to recreate. Commissioner Thimm remarked that lighting up high that makes it possible to follow a fly ball could be allowed seasonally. He would like to temper regulations and appreciate the recreation as well as the Dark Sky initiatives.

Chair Phillips opened the public hearings. No eComments were submitted and no hands were raised on Zoom. Chair Phillips closed the public hearing.

Planner Jackson stated that the Staff would consider their comments and come back with the redlined amendments on November 11th.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

- 7.A. Land Management Code Amendments – Amendments to Chapter 15-6, Master Planned Developments (MPDs), to (1) Clean Up Remnant Pre-MPD Application Language; (2) Outline Review of Substantive and Minor Modifications; (3) Separate the Conditional Use and MPD Review and Approval Process; (4) Require MPD Review under all Relevant LMC Sections; (5) Note More or Less Restrictive Height or Setback Approvals in Development Agreements and on Plats; (6) Require a Public Hearing Prior to Ratification of a Development Agreement; (7) Establish Commission Discretion to Require Applicants to Provide and Fund Additional Studies; (8) Include Traffic Mitigation as a Required Finding and Conclusion; and (9) Non-Substantive Edits to Clean Up the Code**

Planner Ward stated that this was the first phase of many phases for MPD amendments. The amendments proposed this evening were previously reviewed by the Planning Commission in two work sessions.

Planner Ward remarked that the goals of this phase is to simply the review process by separating the MPD from the CUP review for MPDs that increase density and intensity of use, to ensure the Planning Commission can request that applicants provide and fund additional studies. It enables the Transportation and City Engineer to make a

recommendation on the method of modeling and the scope of the study area for those studies. It also simplifies the building permit review process where structures are approved under an MPD, but they may not be built for five years or longer. To ensure that the MPD requirements are carried through to the building permit phase, the Staff was proposing amendments that require Staff review of MPD proposals under all the relevant LMC provisions, including the maximum height of retaining walls and other details. Planner Ward stated that the first Finding of Fact required in the Code is that the MPD, as conditioned, complies with all requirements of the LMC. She pointed out that sometimes it is written in as a condition of approval; however, the plans that are reviewed at the MPD approval phase are not always fully vetted under the LMC. This is a way to make sure that information is presented to the Planning Commission for initial review. Planner Ward stated that where MPDs can include different setbacks from the zoning code or increased height, the Staff was proposing that increased height or setbacks be shown on the approved plat for any plat that is part of the MPD approval.

Planner Ward stated that these amendments would cleanup the remnant code from when pre-MPD applications were required, outline substantive modifications that trigger additional Planning Commission review, and minor modifications that can be approved by the Planning Director. Planner Ward pointed out that they were separating the MPD review process from the CUP process and outlining compliance with all relevant LMC sections. She noted restrictive height or setback requirements in the approval of the development agreement and the plat.

Planner Ward reported on a number of clean-up amendments, which include requiring a public hearing before the Planning Commission ratifies a development agreement, clarify that the Mayor signs the agreement on behalf of the City, and to allow the Planning Commission to request additional studies. The amendments lay the groundwork for future amendments that are coming on active transportation. Under the current MPD Code, traffic mitigation is considered regarding parking requirements. The Staff was proposing to include an additional required finding and conclusion that the MPD proposal mitigates traffic. The amendment would also clean up the Code with non-substantive edits.

Planner Ward presented the proposed redlines for discussion this evening. One was that the Planning Director makes a determination on whether or not the modification is minor or substantive. Minor modifications do not trigger additional off-street parking, do not reduce open space, and do not increase traffic by 5% or more. Planner Ward stated that the minor modifications are approved through an administrative permit process, which can be appealed to the Planning Commission. Substantive modifications that create additional impacts require review of the entire master planned development and development agreement, unless otherwise specified. Substantive

modifications include, but are not limited to, a change in use or increase in floor area that triggers additional off-street parking, that generates more than a 5% increase in traffic, or that reduces open space.

Planner Ward stated that the redlines attached to the Staff report were the first phase of MPD amendments. The Staff recommended that the Planning Commission review the proposed amendments, conduct a public hearing, and consider forwarding a positive recommendation for the City Council's consideration on October 1, 2020.

Commissioner Hall asked if the substantive modifications were an extensive list given recent history, and whether the Staff believes it adequately describes foreseeable issues. Planner Ward thought it did, but she was interested in hearing any recommendations from the Commissioners.

Director Erickson asked if Commissioner Hall was talking about a development agreement that considers a project to be inside the development agreement and under the terms; however, when a development moves forward it moves outside the development agreement to a separate or modified agreement. Commissioner Hall clarified that she was talking about labeling it a substantive or minor modification, assuming it is outside of the development agreement. Director Erickson believed the Staff could draft language to address her concern.

Commissioner Hall asked if the Staff could foresee other projects coming in the future in terms of substantive modifications with past development agreements. Planner Ward replied that a modification will be on the agenda for the next Planning Commission meeting. She believed the majority of modifications to MPDs would fall under the substantive modification classification, especially if it requires amending a development agreement. Planner Ward stated that the intention behind the Code is that the majority of proposals would come back to the Planning Commission for additional review.

Commissioner Hall asked if a modification of a setback would be considered substantive and come to the Planning Commission for a comprehensive review. Planner Ward replied that it would depend on the context of the project. If the setback is more generous than the requirement under the MPD or zoning code, it might fall under minor modification. However, if it requires a change to the location of the building footprint or an increase to the building footprint it would probably come to the Planning Commission.

Commissioner Thimm referred to minor modifications on page 133 of the Staff report, and the reference that it does not increase traffic by 5% or more. He asked if they

should be more definitive in specifying the 5% increase and whether it is traffic volume, traffic counts, or something else. Commissioner Thimm suggested terminology that defines what triggers the 5%. Planner Ward offered to make that clarification.

Commissioner Thimm referred to page 134 that goes through a list of when a modification becomes substantive. It talks about use or increase in floor area, 5% increase in traffic, reduction in open space. Based on recent situations, he suggested adding changes to findings of fact or conditions of approval for consideration in triggering minor versus substantive modifications.

Commissioner Thimm referred to page 146 of the Staff report and the reference to landscaping and street lighting. He noted that it asks for a complete landscaping plan to be submitted. He did not believe a complete landscaping plan in terms of irrigation, identification of all planting materials, specific locations, etc., would be necessary in an MPD. Commissioner Thimm thought a preliminary landscape design plan was appropriate but a complete landscape plan was beyond what should be required in the MPD.

Commissioner Thimm referred to page 152. He noticed that all of the off-street parking requirements were omitted, and he asked why they were being omitted. Planner Ward replied that two redundant sections were highlighted in blue and the requirements were removed. She noted that the off-street parking that was removed can be found under the Master Plan Affordable Housing Development section, which is subject to the MPD off-street parking requirements. Commissioner Thimm clarified that all the components, such as shared parking, for example, were left intact. Planner Ward answered yes.

Chair Phillips agreed with Commissioner Thimm regarding the landscaping plan. Commissioner Suesser agreed with Commissioner Thimm's comments regarding the findings of fact and conditions of approval triggering a substantive modification.

Planner Ward stated that under the current code, a complete landscaping plan is required. She asked if changing the term "complete" to "preliminary" would address their concern. A complete landscaping plan would be required at the building permit phase, or in a CUP if one is required. Commissioner Thimm thought the building permit phase was the appropriate time to look at a full landscaping plan. He believed a preliminary or design development landscape plan was sufficient to show that there is enough landscaping that will be provided and designed at the appropriate time.

Planner Ward understood that the Planning Commission wanted to replace "complete landscaping" with "preliminary landscaping". They Commissioners also wanted to

revise the minor and substantive changes to show that a change to a finding of fact or condition of approval would be a substantive modification.

Commissioner Hall asked what Director Erickson envisioned as minor modifications. Director Erickson provided an example of a minor change. If one of the two ski resorts wanted an outside ski corral where people could keep their skis overnight or possibly additional outside bike racks, and they need to pave space to accommodate it, those would be minor modifications. He noted that sometimes the Planning Department gets requests inside a project to convert retail space as rental space. In his opinion, that is not a major issue. Remodels of restaurant and kitchen space could be a minor modification, but that is something he would need to look at closely and determine whether it is extensive enough to be substantive.

Chair Phillips appreciated that Planner Ward took into consideration some of the Commissioner's work session comments to be considered in future phases.

Chair Phillips opened the public hearing.

No eComments were submitted and no hands were raised on Zoom.

Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for their consideration on October 1, 2020, regarding the Master Planned Development Land Management Code amendments, including the modification to change "complete landscape" to "preliminary landscape" and to add that changes to findings of fact, conclusions of law, or conditions of approval can be a trigger for a substantive change. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission Meeting adjourned at 6:55 p.m.

Approved by Planning Commission: _____

DARK-SKY LIGHTING CODE WORK SESSION

PLANNING COMMISSION
SEPTEMBER 9, 2020

Image courtesy of Wasatch Magazine



BACKGROUND

- Dark sky movement began as a method of light pollution reduction.
- International Dark-Sky Association provides resources and education on dark sky benefits and night sky protection.
- Utah has 2 Dark Sky Communities and numerous Dark Sky Parks.
- Park City has emphasized protection of the night sky and sustainable tourism as priorities.



BACKGROUND



The brilliant Milky Way arises over Flagstaff's iconic San Francisco Peaks. Photo by Dan and Cindy Duriscoe.

Flagstaff, Arizona

- Enacted world's first lighting ordinance in 1958 and world's first Dark Sky Community
- Population of over 70,000
- Milky Way is visible on a clear night



RESEARCH

- Align with Summit County lighting Code
- IDA and industry standards update to current lighting Code

Communities and resources researched:

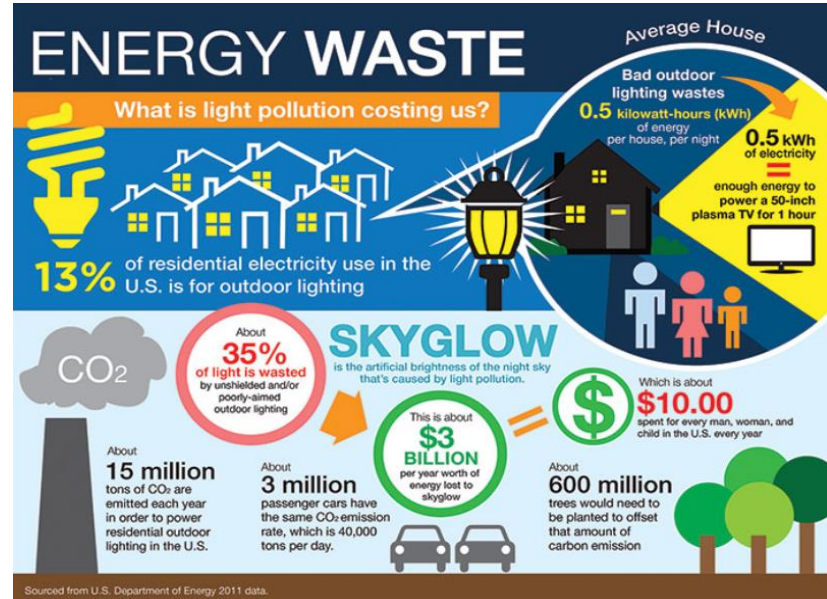
- University of Utah
- Flagstaff, AZ
- Page, AZ
- Sedona, AZ
- Calimesa, CA
- Goleta, CA
- Aspen, CO
- Boulder, CO
- Ketchum, ID
- Kanab, UT
- Moab, UT
- Ogden Valley, UT
- Springdale, UT
- Summit County, UT
- Torrey, UT
- Helper, UT
- Jackson, WY



BENEFITS

Reducing light pollution:

- Saves energy
- Lessens impacts on human and eco-system health
- Increases public safety



PRINCIPLES

Protecting the night sky starts with **YOU!**

- 1** Light only what you need



- 2** Use energy efficient bulbs and only as bright as you need



- 3** Shield lights and direct them down



- 4** Only use light when you need it



- 5** Choose warm white light bulbs



- 6** Join IDA!
We need your help to continue the fight against light pollution.



PROPOSED AMENDMENTS

1) Amend Purpose subsection

EXISTING

PURPOSE. The functional objectives in providing exterior Area lighting are to illuminate Areas necessary for safe, comfortable and energy efficient Use. The number of fixtures shall be limited to provide for safe entry and egress and for sign and Business identification. Illumination of new Building features for architectural enhancement is prohibited. Historic Structures may be illuminated under the terms prescribed in this Code.

LMC [§ 15-5-5\(J\)\(1\)](#)

PROPOSED

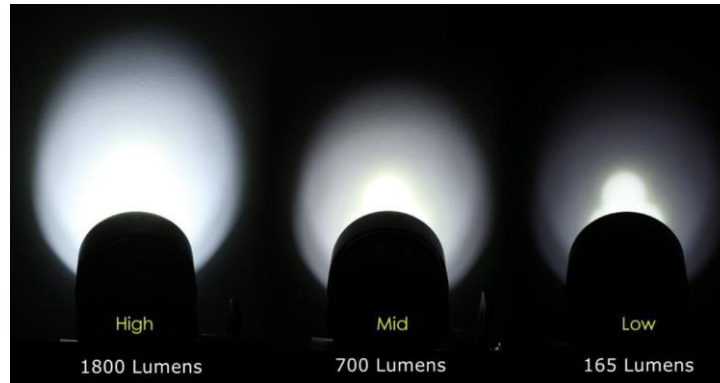
It is the intent of this section to encourage lighting practices and systems which will minimize light pollution, glare, and light trespass; conserve energy and resources while maintaining night time safety, utility, and security; and curtail the degradation of the night time visual environment.

It is recognized that the topography, atmospheric conditions and resort nature of Park City are unique and valuable to the community. The enjoyment of a starry night is an experience the community desires to preserve. The City of Park City, through the provisions herein contained, promotes the reduction of light pollution that interferes with the enjoyment of the night sky.



PROPOSED AMENDMENTS

- 2) Enact a subsection to establish a light trespass standard.
- 3) Remove the Foot Candle measurements from the LMC.
- 4) Establish lumens as the metric for lighting regulations and set a maximum lumen per fixture and property.



PROPOSED AMENDMENTS

- 5) Establish a maximum of 3,000 degrees Kelvin for outdoor lighting with a few exceptions.
- 6) Require all outdoor lighting to be Fully Shielded.



PROPOSED AMENDMENTS

- 7) Amend the LMC to address LEDs.
- 8) Amend LMC § 15-3-3(C), Parking Area Lighting, to align with the lighting code and establish additional setback and sensor requirements for lighting in large parking lots.
- 9) Establish heightened outdoor lighting standards for Ridgeline Development lighting within the Sensitive Lands Ordinance.
- 10) Consolidate lighting regulations for Historic Structures and the Historic Districts into one subsection and clarify the definition of Historic Lighting.



PROPOSED AMENDMENTS

- 11) Consolidate all prohibited lighting in one subsection.
- 12) Replace the term “Fossil Fuel Light” with “Gas Lamp.”
- 13) Update and add definitions to the LMC to establish consistent use and application of the terms Floodlight, Fully Shielded Fixture, Light Trespass, and Spotlight. Remove outdated terms like up-light, spill light, and Master Festival License.
- 14) Nonconforming lights are exempt, but the City may establish a timeline or create incentives for property owner to bring lighting into compliance with the LMC.



CONSIDERATIONS

Staff will conduct public outreach regarding proposed amendments.

- Organization contact list
- Informative website landing page
- Social media
- Mailer

Nightly Rental recommendation to City Council - require that outdoor lighting be turned off when Nightly Rentals are vacant.

Staff will work with the Engineering and Transportation Departments to establish land use lighting limitations for street lights proposed for new roads as part of a subdivision approval, as well as lighting standards for bus stops that are constructed as part of a Master Planned Development.



CONSIDERATIONS

Moab, Utah's example mailer -

Benefits of the new lighting standards

Lighting that gives just enough brightness for safety and is used only when it's needed is best for being able to see well and enjoy dark and restful nights.

Ways the code can benefit you:

- More courtesy between neighbors
- Lower electric bills
- Maintain the rural quality of Grand County
- Health benefits and improved sleep
- Reduction of "sky glow"
- Views of the stars, planets, and Milky Way right from your home

Get to know your neighbors and enjoy the night skies. Together we can reduce overlighting and overt areas while maintaining safety for all.

125 East Center Street, Moab UT 84032

For more information, lighting assistance, or for lighting and retrofitting resources:

Grand County Community & Economic Development Department - 435-259-1540

Moab City - 435-259-1540

Read the Grand County Code: <https://grandcountyutah.com/16277/SPK>

Read the Moab City Code: <https://moabcityutah.com/16277/SPK>

Add this link to your calendar:

Moab Dark Skies on Facebook: [darksky.org](https://www.facebook.com/darksky.org)

International Dark Sky Association - [darksky.org](https://www.darksky.org)

MOAB UTAH

Sustainable Moab

Any light overflow that falls beyond your property boundary and onto a neighbor's property or home.

Non-compliant Compliant

Understanding the Moab City and Grand County Lighting Codes

Learn about how the new outdoor lighting ordinances will affect you, and steps you can take to comply with the codes.

Not less lighting... BETTER lighting!

Grand County Community & Economic Development Department and the Moab City Planning Department

Why did the City and County update their lighting standards?

The dark skies of Moab and the surrounding region are a valuable and rare resource that millions of people throughout the world never get to see. To protect our dark skies and support a high quality of life for residents, the City of Moab and Grand County have updated outdoor lighting standards for residences and businesses in order to encourage responsible lighting that protects our health and safety, and brings the beauty of night skies closer to home and accessible to visitors.

The lighting code was researched and rewritten to encourage lighting practices that will minimize light pollution, glare, light overflow, and sky glow in Moab and the region without compromising your safety and the safety of others.

To minimize the effects of light pollution:

- Turn lights on only WHEN needed and install them only WHERE needed.
- Illuminate areas with no more light than necessary.
- Dim or turn off the lights during late-night hours.

More and brighter lighting does not make us safer. In fact, glare from unshielded and bright lights can compromise our vision and affects our ability to see potential hazards in our surroundings.

Better lighting will help Moab maintain its rural character, and be an even safer and more enjoyable place to live.

Thanks to: International Dark Sky Association; City of Fort Collins, Colorado; Craig Powell, and Gregory Sawyer; photographer Bettye Foss. Illustrations courtesy of City of Fort Collins. Graphic design: Live Dotted

Use fully shielded, downward directed lighting

Unshielded Yard Light

Uplight = SKY GLOW (Light Pollution)

Extreme Glare and Overlighting = POOR VISIBILITY

Non-compliant

Use warm color temperature bulbs for outdoor lighting

6000K Daylight	4000K Cool White	3500K White	3000K Warm White	2700K Extra Warm White
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Non-compliant Compliant

Commit to better lighting

By making adjustments to your home and property's outdoor lighting, you are contributing to a better quality of life in Moab and Grand County.

Switching to compliant, shielded lighting is good for all of us.

- Select outdoor lighting fixtures that are fully shielded and pointing downward.
- Use dimmers, timers, or motion sensors on fixtures and program them for efficiency.
- Replace yard lighting with shielded fixtures and bulbs within brightness limits, and use only when needed to eliminate extreme glare and light spillage over a wide area.
- Install warm white or extra warm white bulbs (3,000K maximum) instead of daylight, cool white, or white, non-compliant bulbs.

This is a simplified explanation of the new outdoor lighting codes. Please direct your questions to the agencies listed on the back panel of this brochure. We are committed to helping you with your lighting solutions.



EST. TIMELINE



THANK YOU

