



## STAFF REPORT

**To:** Summit County Council  
**From:** Ray Milliner, County Planner  
**Date of Meeting:** March 13, 2019  
**Type of Item:** Code Amendment – Public Hearing, Possible Action  
**Process:** Legislative

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**RECOMMENDATION:** Staff recommends that the Summit County Council review the proposal to amend Chapter 11-6 of the Eastern Summit County Development Code to create lighting regulations for Eastern Summit County conduct a public hearing and approve the attached ordinance.

### Background

Over the past few months, staff has received an increasing number of complaints with regard to lighting in Eastern Summit County (generally revolving around uses having too much lighting, light trespass, unnecessary lighting etc.). The general staff response is to approach the property owner and inform them that staff has received a complaint and request that they address the issue. However, the property owner is under no obligation to make the changes because there are no regulations in the Development Code for lighting.

Concurrent with these issues, members of the County Council and the Planning Commission mentioned that they would like to see a lighting ordinance created in the Eastern Summit County Development Code. As a result, on June 7, 2018 the Eastern Summit County Planning Commission conducted a work session to discuss the likelihood of creating lighting regulations in Eastern Summit County. Commissioners reviewed an ordinance from another jurisdiction and directed staff to create language specific for Eastern Summit County. The Commission conducted public hearings on October 1, November 1, December 6, 2018 and then on January 17, 2019, the Commission forwarded a positive recommendation to the County Council for a new ordinance creating lighting regulations in Eastern Summit County.

On February 17, 2019 the County Council reviewed the ordinance at a work session. At that meeting, the Council directed staff to return for a public hearing and possible action.

There is a large range of how restrictive or liberal a lighting ordinance can be, however, an effective lighting ordinance generally:

- Promotes full-cutoff (down directed and fully shielded) fixtures for most uses.
- Prohibits floodlighting and unshielded wall packs.

- Prohibits up lighting of buildings and signs.
- Requires that nonessential lighting be turned off after business hours.
- Requires lighting plans for new construction that demonstrate compliance with height, lumens and number of lights allowed.

The proposed ordinance addresses each of these items. Ordinance highlights include:

1. Requires compliance of all uses, commercial and residential.
2. Requires that all new lighting be full cutoff.
3. Provides exemptions for certain lighting (agriculture, traffic lights, public safety, holiday lights etc.).
4. Prohibits certain types of lights (architectural lighting, landscape lighting, spot/flood lights).
5. Establishes an amortization schedule requiring that all lighting be in compliance with the code after 7 years of the adoption of the ordinance.

To create the ordinance language, staff consulted with representatives from the University of Utah Consortium for Dark Sky Studies, Springdale City, Torrey City and Ketchum City. Each of these resources provided valuable guidance for the creation of the ordinance.

## **Analysis**

Section 11-5-3 of the Eastern Summit County Development Code establishes a process for amendments to the text of the Code, it states that whenever an amendment to the Code is initiated, it must be reviewed by the Planning Commission who will deliver a recommendation to the County Council. The County Council, after holding a public hearing, can approve, approve with modifications or deny the amendment. There is no criterion.

The Eastern Summit County General Plan has specific goals related to future amendments.

Goal 2.1. g States:

“Enact ordinances, resolutions, codes and other forms of land use controls to reduce nuisances and land use incompatibilities.”

Goal 2.1.i States:

“Create appropriate and predictable development procedures in the Development Code to ensure that all land use and development is adequately reviewed and determined to be consistent with the goals of this Plan before any approvals are granted.”

The proposed lighting regulations are designed specifically to prevent the degradation of the night sky (to ensure that people can still see the stars at night) as well as to

prevent glare and light trespass onto neighboring properties. Further, regulations will encourage individuals to use lighting fixtures that are energy efficient, which will foster economic and environmental gains.

## **Recommendation**

Staff recommends that the Summit County Council review the proposal to amend Chapter 11-6 of the Eastern Summit County Development Code to create lighting regulations for Eastern Summit County conduct a public hearing and adopt the attached ordinance per the findings of fact and conclusions of law written below.

## **Findings of Fact**

1. The goal of Chapter 2 of the Eastern Summit County General Plan is to develop land use codes which balance the diversity of desires of Eastern Summit County residents, including private property rights.
2. In furtherance of this goal, §11-1-1 of the Eastern Summit County Code provides that “The eastern Summit County general plan was developed to ensure that the rural, agricultural and small town character of the eastern portion of the county shall remain, even in the presence of growth and change. The intention of the county is to assure the managed, proper and sensitive development of land to protect and enhance these desired qualities and the lifestyle that exists.”
3. Uncontrolled lighting can create unwanted glare.
4. Uncontrolled lighting can disrupt the normal behavior wildlife, including migration and mating habits.
5. Uncontrolled lighting can trespass onto adjoining properties.
6. Lighting fixtures that use inefficient technology, are poorly targeted, or operate at unnecessary times waste energy.
7. Uncontrolled night lighting diminishes and obscures views of the natural night sky.
8. The proposed lighting regulations are designed to prevent the degradation of the night sky and to prevent glare and light trespass onto neighboring properties.
9. The Eastern Summit County Planning Commission conducted public hearings on October 1, November 1, and December 6, 2018.
10. On January 17, 2019, the Eastern Summit County Planning Commission forwarded a positive recommendation to the County Council for a new ordinance creating lighting regulations in Eastern Summit County.
11. The proposed lighting regulations encourage individuals to use lighting fixtures that are energy efficient

## **Conclusions of Law:**

1. The amendment is consistent with the goals, objectives, and policies of the General Plan.

2. The amendment is consistent with the requirements established in chapter 5 of the Eastern Summit County Development Code.
3. The proposed amendment is not detrimental to public health, safety and welfare.

## **Exhibits**

- |            |                      |
|------------|----------------------|
| Exhibit A. | Proposed Ordinance   |
| Exhibit B. | Lighting Information |

**SUMMIT COUNTY, UTAH  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE EASTERN SUMMIT COUNTY  
DEVELOPMENT CODE SECTION 11-6: GENERAL REGULATIONS**

**PREAMBLE**

**WHEREAS**, Utah Code Annotated (“UCA”) §17-27a-102(b) provides that counties can enact all ordinances that they consider necessary or appropriate to govern, among other things, outdoor lighting; and,

**WHEREAS**, the goal of Chapter 2 of the Eastern Summit County General Plan is to develop land use codes which balance the diversity of desires of Eastern Summit County residents, including private property rights; and

**WHEREAS**, In furtherance of this goal, §11-1-1 of the Eastern Summit County Code provides that “The eastern Summit County general plan was developed to ensure that the rural, agricultural and small town character of the eastern portion of the county shall remain, even in the presence of growth and change. The intention of the county is to assure the managed, proper and sensitive development of land to protect and enhance these desired qualities and the lifestyle that exists.” and,

**WHEREAS**, uncontrolled lighting can create unwanted glare; and

**WHEREAS**, uncontrolled lighting can disrupt the normal behavior wildlife, including migration and mating habits; and

**WHEREAS**, uncontrolled lighting can trespass onto adjoining properties; and

**WHEREAS**, Lighting fixtures that use inefficient technology, are poorly targeted, or operate at unnecessary times waste energy; and

**WHEREAS**, the Eastern Summit County Planning Commission held a public hearing on October 4, November 1 and December 6, 2018; and

**WHEREAS**, the Eastern Summit County Planning Commission recommended adoption of the amended sections of the Eastern Summit County Development Code on January 17, 2019; and

**WHEREAS**, the Summit County Council held a public hearing on March 13, 2019; and,

**NOW, THEREFORE**, the County Council of the County of Summit, State of Utah, ordains as follows:

**Section 1.** **EASTERN SUMMIT COUNTY DEVELOPMENT CODE** The Eastern Summit County Development Code is amended as depicted in Exhibit A.

**Section 2.** **Effective Date.** This Ordinance shall take effect immediately after publication.

Enacted this \_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

SUMMIT COUNTY COUNCIL

\_\_\_\_\_  
Kent Jones  
Summit County Clerk

\_\_\_\_\_  
Roger Armstrong, Chair

APPROVED AS TO FORM

\_\_\_\_\_  
David L. Thomas  
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

Councilmember Carson	_____
Councilmember Robinson	_____
Councilmember Wright	_____
Councilmember Armstrong	_____
Councilmember Clyde	_____

**EXHIBIT A**  
**PROPOSED AMENDMENTS TO CHAPTER 6**

**11-6-20: LIGHTING REGULATIONS:**

**A. Purpose**

The purpose of this Section is to:

1. To prevent the degradation of the nighttime visual environment by production of unsightly and dangerous glare;
2. To create lighting practices that promote the health and safety of Summit County's citizens and visitors;
3. To prevent unnecessary waste of energy and resources in the production of excessive light or wasted light;
4. To prevent interference in the use or enjoyment of property which is not intended to be illuminated at night and the loss of the scenic view of the night sky due to increased urban sky-glow.

**B. Applicability**

All exterior outdoor lighting installed after the effective date of this chapter in all zones in Eastern Summit County shall conform to the requirements established by this chapter.

1. This chapter does not apply to indoor lighting.
2. All existing outdoor lighting that does not meet the requirements of this chapter and is not exempted by this chapter shall be considered a nonconforming use and as such shall be regulated as outlined in Chapter 11-6-2 of this title.
3. Should this chapter be found to be in conflict with other sections of this Code, the more restrictive shall apply.

**C. Application and Review Procedures**

Lighting Plans Required: All development permit applications or submittals that propose street lighting or other outdoor lights shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources shall comply with this Code and shall include the following:

1. Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used and installation and electrical details.

**D. Full Cutoff Fixture Requirements:**

1. Unless specifically exempted by this chapter, all outdoor lighting shall use full cutoff fixtures and shall be installed so light is directed downward with no light emitted above the horizontal plane of the fixture.
2. Lighting must not be placed at a location, angle, or height that directs illumination or horizontal trespass outside the property boundaries where the light fixtures are located.
3. In order to qualify as a "full cutoff" fixture, a light fixture must have the top and sides made of completely opaque material so that light only escapes through the bottom of the fixture.

Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as full cutoff. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover, or other similar cover does not qualify as full cutoff.

4. Exemptions To Full Cutoff Fixture Requirements:

- a. Fixtures having a total light output less than one thousand (1,000) lumens (allowing a maximum of a 60 watt incandescent or a 15 watt compact fluorescent bulb) are exempted from the full cutoff requirement provided:
  - i. The fixture has a top that is completely opaque such that no light is directed upwards.
  - ii. The fixture has sides that completely cover the light source and are made of opaque or semi opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light.
  - iii. Semi opaque material such as dark tinted glass or translucent plastic may be used if the light source is not discernable behind the material.
  - iv. Completely transparent materials, such as clear glass, are not allowed.
  - v. The bulb or lamp must not be visible from any point outside the property on which the fixture is located.

**E. Exemptions.**

The following types of lighting installations shall be exempt from the provisions, requirements and review standards of this Section, including those requirements pertaining to Community Development Director review.

1. Agricultural lighting. Lighting for Agricultural Activities or Agricultural Buildings as defined in Appendix A of this Chapter is exempt from the requirements of this Section, provided such lighting is down directed and shielded to prevent glare to the level of a nuisance on adjacent streets or properties.
2. Holiday lighting. Winter holiday lighting which is temporary in nature and which is illuminated only between and including November 15 and February 1 shall be exempt from the provisions of this Section, provided that such lighting does not create glare to the level of a nuisance on adjacent streets or properties, is maintained in an attractive condition and does not constitute a fire hazard.
3. Traffic control signals and devices.
4. Temporary emergency lighting in use by law enforcement or government agencies or at their direction.
5. The lighting of Federal or State flags, per the regulations for lighting a flag in the United States Code Title 36, Chapter 10.
6. Low voltage low voltage lights and solar lights used to illuminate pathways in residential areas, provided the lights are installed no more than eighteen inches (18") above the adjacent ground level.

**F. Prohibited Lighting**

The following are prohibited:

1. Floodlights or spotlights affixed to buildings or poles for the purpose of lighting parking lots or sales display lot areas.
2. Architectural lighting intended to accent or draw attention to architectural features of a building.
3. Landscape lighting intended to accent or draw attention to landscape elements on the property.
4. Search lights, laser source lights or any similar high intensity lighting is prohibited except in emergencies by police and fire personnel or at their direction.
5. Up lighting to illuminate buildings and other structures.
6. Flashing, blinking, intermittent or other lights that move or give the impression of movement.

**G. Amortization of Nonconforming Outdoor Lighting**

Amortization: The County shall require the termination of use of any and all nonconforming outdoor lighting fixtures, structures, lamps, bulbs or other devices that emit or generate light which are not otherwise exempted by this chapter, pursuant to the amortization schedule contained in this Section.

Schedule of Amortization: All outdoor lighting legally existing and installed prior to the effective date of this chapter (March \_\_\_\_2019) and which is not exempted shall be considered nonconforming and shall be brought into compliance by the property owner as follows:

1. Immediate abatement as a condition for approval upon application for a building permit, sign permit, conditional use permit, design development review or similar County permit or review when said site improvements, construction, reconstruction, expansion, alteration or modification of existing sites, structures, or uses individually or cumulatively equal or exceed one thousand five hundred (1,500) square feet. Projects less than one thousand five hundred (1,500) square feet will not be subject to immediate abatement.
2. All damaged or inoperative nonconforming lighting shall be replaced or repaired only with lighting equipment and fixtures compliant with this chapter.
3. All outdoor lighting not previously scheduled for amortization or otherwise exempted shall be brought into conformance with this chapter within seven (7) years from the effective date of this chapter.

**H. Requirements for Lighting Non-Motorized Commercial/Private Recreation facilities.**

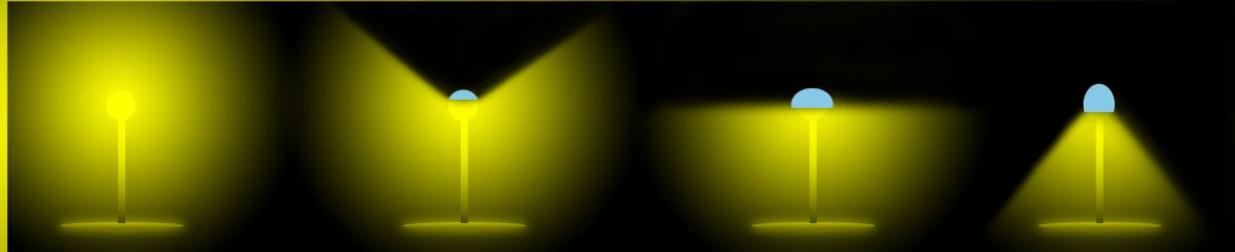
All requests for new outdoor Non-Motorized Commercial/Private Recreation facilities lighting fixtures shall meet the following requirements:

1. The recreational lighting has provisions for minimizing glare, spill light and up light by the use of louvers, hoods, or shielding.

2. The recreational lighting will only illuminate the field or court area with no direct illumination falling outside of those areas.
3. Pole mounted recreational lighting shall be limited to eighteen feet (18') in height.
4. Pole mounted recreational lighting must be set back a minimum of sixty feet (60') from adjacent residential properties.
5. Lighting for sports fields shall be shut off no later than eleven o'clock (11:00) P.M.
6. The lighting for nonfield and noncourt areas shall conform to all provisions of this Chapter.

Exemption: Because of their unique requirements for nighttime visibility and their limited hours of operation, lighting fixtures for baseball diamonds, playing fields, rodeo grounds, tennis courts or other similar uses may exceed the eighteen foot (18') height limit subject to the following:

1. Planning Commission review. All applications for pole height greater than eighteen feet (18') shall be reviewed by the Eastern Summit County Planning Commission.
2. In no case shall any lighting fixture exceed seventy feet (70') in height as measured from the top of the fixture to the adjacent grade or the horizontal plane being lit by the fixture.
3. Lighting fixtures shall be subject to all other requirements in this Chapter.



**NONCUTOFF**

**SEMICUTOFF**

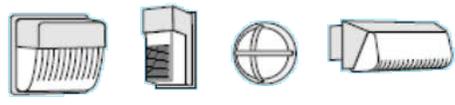
**CUTOFF**

**FULL CUTOFF**

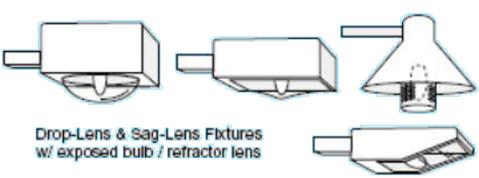
**Unacceptable / Discouraged**  
Fixtures that produce glare and light trespass



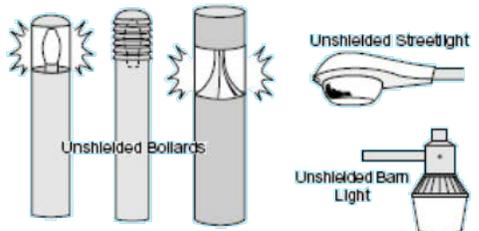
Unshielded Floodlights  
or Poorly-Shielded Floodlight



Unshielded Wallpacks  
& Unshielded or  
Poorly-shielded Wall  
Mount Fixtures

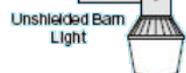


Drop-Lens & Sag-Lens Fixtures  
w/ exposed bulb / refractor lens

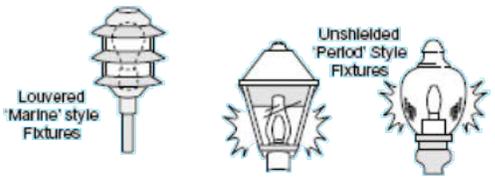


Unshielded Streetlight

Unshielded Bollards

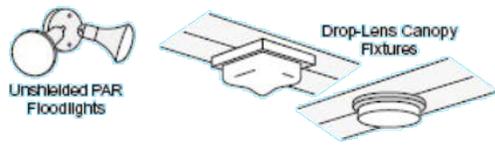


Unshielded Barn  
Light



Louvered  
'Marine' style  
Fixtures

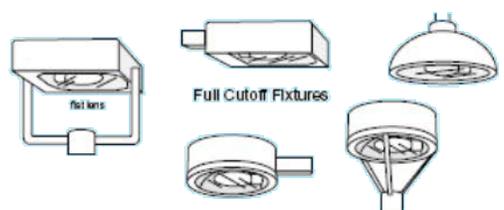
Unshielded  
'Period' Style  
Fixtures



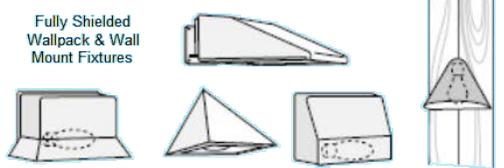
Unshielded PAR  
Floodlights

Drop-Lens Canopy  
Fixtures

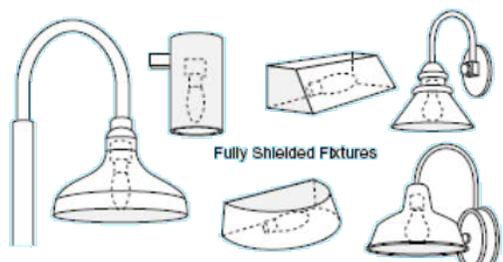
**Acceptable**  
Fixtures that shield the light source to minimize glare and light trespass  
and to facilitate better vision at night



Full Cutoff Fixtures



Fully Shielded  
Wallpack & Wall  
Mount Fixtures

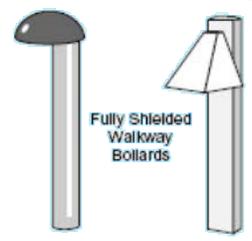


Fully Shielded Fixtures

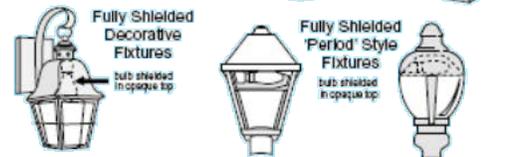
Full Cutoff Streetlight



Fully Shielded  
Barn Light

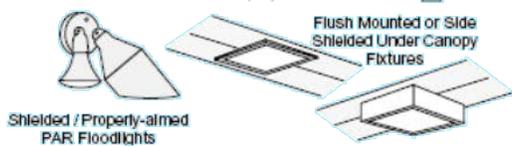


Fully Shielded  
Walkway  
Bollards



Fully Shielded  
Decorative  
Fixtures

Fully Shielded  
'Period' Style  
Fixtures



Shielded / Properly-aimed  
PAR Floodlights

Flush Mounted or Side  
Shielded Under Canopy  
Fixtures