MINUTES
SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, MARCH 13, 2019
SUMMIT COUNTY COURTHOUSE
COALVILLE, UTAH

PRESENT:

Roger Armstrong, Council Chair
Doug Clyde, Council Vice-Chair
Chris Robinson, Council Member
Kim Carson, Council Member
Glenn Wright, Council Member

Tom Fisher, Manager
Janna Young, Deputy Manager
Dave Thomas, Chief Civil Deputy
Kent Jones, Clerk

The Council was called to order at 12:40 p.m.

Closed Session – Litigation and Property Acquisition

Council Member Robinson made a motion to convene in closed session to discuss litigation. Council Member Clyde seconded the motion with all voting in favor, 5-0.

The Summit County Council met in closed session from 12:42 p.m. to 1:33 p.m. to discuss litigation. Those in attendance were:

Roger Armstrong, Council Chair
Doug Clyde, Council Vice-Chair
Chris Robinson, Council Member
Kim Carson, Council Member
Glenn Wright, Council Member

Tom Fisher, Manager
Janna Young, Deputy Manager
Dave Thomas, Chief Civil Deputy
Annette Singleton, Executive Assistant

Council Member Robinson made a motion to leave session to discuss litigation and convene in closed session to discuss property acquisition. The motion was seconded by Council Member Clyde and passed unanimously, 5 to 0.

The Summit County Council met in closed session from 1:33 p.m. to 2:12 p.m. to discuss property acquisition. Those in attendance were:

Roger Armstrong, Council Chair
Doug Clyde, Council Vice-Chair
Chris Robinson, Council Member
Kim Carson, Council Member
Glenn Wright, Council Member

Tom Fisher, Manager
Janna Young, Deputy Manager
Dave Thomas, Chief Civil Deputy
Annette Singleton, Executive Assistant
Council Member Clyde made a motion to dismiss from closed session to discuss property acquisition and convene in open session. Council Member Wright seconded with all voting in favor, 5-0.

Work Session

Pledge of Allegiance

Legislative update; Kim Carson and Janna Young

Janna Young, Deputy Manager, and Council Member Carson gave an update of the final week of the 2019 legislative session. The following staff report was reviewed.
STAFF REPORT

To: Summit County Council
From: Janna Young, Deputy County Manager
Date of Meeting: March 13, 2019
Type of Item: Weekly Legislative Update
Process: Work Session

This week marks the final week of the 2019 general session of the Utah State Legislature. The session officially ends on Thursday, March 14. During the 2019 general session, Staff, along with Councilmember Kim Carson, has provided weekly updates to the County Council on the issues and activities the County is monitoring at the State Capitol. This will be our final update of the session with a wrap-up presentation at the March 20th Council meeting.

Requested Council Action
None.

Background
On Monday, January 28, 2019, the general session of Utah’s 63rd legislature began and will run until Thursday, March 14, 2019. During the session, Summit County’s internal legislative working group tracks activity at the State Capitol.

The County’s legislative working group is comprised of the County Assessor, Auditor, Clerk, (2) Councilmembers, Recorder, Treasurer, Health Department Director, Chief Financial Officer, Community Development Director, Economic Development Director, Transportation Planning Director, County Manager, Deputy County Manager, and representatives from the County Attorney’s Office and Sheriff’s Office.

This group meets weekly to monitor bills, share information, decide county positions on legislation, participate in Utah Association of County’s (UAC) weekly policy and legislative coordinating meetings, work closely with the county’s House and Senate members and the county’s lobbyist on issues, attend committee meetings, and potentially testify before committees, if appropriate.

Each week at the County Council meeting, Councilmember Kim Carson and Deputy County Manager, Janna Young report to the Council on these activities, and requests input on issues and support for proposed county positions on bills.
Bills/Issues the County is Monitoring
Based on the bills that have been released to the public as of the date of this staff report, combined with information provided by UAC's legislative team, Summit County is currently following the below issues (NOTE: bills change drastically and quickly every hour during the session. It is likely the details provided in this staff report will change by the time the information is presented at the Council meeting):

UAC Initiated Legislation

HB 247, County Recorder Fee Amendments (Rep. Wilde) – SUMMIT COUNTY AND UAC SUPPORT
UAC and the County Recorder affiliate has been working with Rep. Wilde on this bill to standardize recording fees to a flat $45, except for voluminous and complicated recordings. The argument for this change is simplification for customers but also because recording fees have not increased in 24 years but the duties and responsibilities of the Recorder’s Office as well as the volume they receive have gone up. The fees have not kept up with that growth. The bill passed the House on February 26th by a vote of 50 to 25. It is scheduled to be heard in the Senate Committee on Government Operations and Public Subdivisions.

HB 321, Public Improvements to Provide Sewer Services (Rep. Wilde) – SUMMIT COUNTY AND UAC SUPPORT
This bill was introduced based on a request from Summit County. It addresses the public health challenge of failing septic systems and the downstream effects of water contamination. The bill would allow for the creation, in limited circumstances, of involuntary tax assessment areas to pay for sewer for the purpose of preserving water quality when current septic practices have been shown to create a public health crisis. The effort involves UAC, health departments and water districts. The bill passed overwhelmingly out of the House on February 26 by a vote of 66 to 0, and unanimously out of the Senate Government Operations Committee on March 5th. The bill is scheduled for floor action in the Senate. It is expected to pass and go to the Governor for signature. The Senate floor sponsor is Sen. Jerry Stevenson.

HB 411, Community Renewable Energy Act (Rep. Handy) – SUMMIT COUNTY AND UAC SUPPORT
This is a joint effort between Rocky Mountain Power, Park City Municipal Corporation, Salt Lake City and Summit County on legislation to enable a utility company to enter into a renewable energy program with a municipality or county without shifting costs or benefits of the program to nonparticipating customers. The bill was held in the House Public Utilities Committee on March 6th. It was amended by the stakeholders to accommodate requests from some of the Committee members who voted "no," and is scheduled for reconsideration in the
House Public Utilities Committee on March 7th. The biggest concern by committee members is the program allows customers to opt-out of the renewable energy program, rather than opt into it.

**Revenue and Taxation**

**HB 441, Tax Equalization and Reduction Act (Rep. Quinn) – UAC NEUTRAL POSITION**
This is the bill to overhaul the Utah state sales tax system. It was introduced late in the session and scheduled for a committee hearing two days later. It is now on its 5th substitute, which should be made public on March 7th. House leadership wants to vote on this bill before final works is done on the state budget in the Executive Appropriations Committee.

The substitute essentially creates two sales tax systems – one that will broaden the base by taxing services and another system to tax goods. The base broadening only applies to the state tax rate; all local rates are exempted out of the bill, meaning the 17 or so boutique rates originally in the bill have been pulled out. The county option sales taxes will operate as they do today.

For the state sales tax rate, the bill reduces the rate down and readjusts it on a quarterly basis as the Tax Commission analyzes the revenue from the base broadening. The state will realize a 35% base expansion from this bill.

The political outlook on the bill is favorable in the House; leadership has the votes to pass this current version. In the Senate, we can expect to see changes, especially on taxing health insurance premiums, and others. UAC is working with the Utah League of Cities and Towns to keep the sourcing information in the bill as the base is expanded to protect the distribution formula as is. The Senate is expected to pass something. Additionally, the Governor has said he will not pass an increased budget if he does not get a tax reform bill; he will only sign a base budget for the next fiscal year.

**SB 42, Tangible Personal Property Amendments (McCay) – SUMMIT COUNTY AND UAC OPPOSE**
This bill is officially dead this year but the proponents want to see the issue studied during interim and we can expect to see another bill next session. This bill would have resulted in a $70 million tax shift from centrally assessed property to real property by exempting business property from personal property tax if sales tax was paid on it.
General Government

HB 119, Initiatives, Referenda and other Political Activities (Rep. Daw) – UAC SUPPORTS
This bill passed out of the House on March 5th by a vote of 64 to 7. It now heads to the Senate. Senator Bramble is the floor sponsor. This bill was a leadership-driven effort in which UAC was instrumentally involved to make the initiative and referenda process simpler and more clear. It creates voter participation areas or geophysical zones, and depending on the size of the city or county, proponents will have to get a certain percentage of signatures of active voters in a number of those zones. The new process is expected to be effective by January 1, 2020.

One of the key issues for Rep. Daw is political influence on initiatives and referenda. The bill allows public meetings on the referendum with equal time provided to both proponents and opponents. Staff for the elected official can gather information pertinent to the issue and do research to give Council. Elected officials can create a website or landing page on which to place all this information and explain why s/he voted the way s/he did. If the webpage is used, opponents are given 7 days to post information on the same site.

The bill also creates a seven-day rolling time period in which to turn in signatures, and removes the requirement for a notarized signature to remove a signature from the form. Signature gatherers can also scan or send a picture of the documents to the Clerk.

HB 381, Amusement Ride Safety (Rep. Potter) – SUMMIT COUNTY OPPOSES
This bill would make it more difficult to hire and operate a carnival in the State of Utah. The bill requires that the permit inspection take place while the ride is set up. This could cause a delay in issuance of the permit and affect the ability of an event to open an attraction in time. Similar regulations in other states allow for the third party inspection to take place while in an operable state in any location. The bill also sets up a review and advisory committee but does not include representation of the small cities or counties. There are many unique situations and budgetary restrictions faced by smaller events that will not translate to the makeup of the committee as it stands. Finally, the bill leaves open to future determination the cost of permits and the timeline for issuance. This is concerning as many events work on an already limited budget and could not bear the additional cost if prohibitive.

HB 460, Medicaid Eligibility Amendments (Rep. Moss) – UAC Supports
This bill, while introduced late and is likely not to make it through the process, is a good bill for counties. It would allow Utah to work with the Denver Regional Office
to suspend eligibility of Medicaid benefits when a recipient goes to prison or is otherwise made temporarily ineligible, rather than terminates the benefits. It is more difficult to get someone back on Medicaid rather than the restart benefits. Additionally, it takes the federal government a long time to review and approve applications, which is also why restarting benefits is more helpful than re-enrolling. There is also a national movement to allow Medicaid enrollment to occur one month before an individual is released from prison.

**SB 129, Public Safety and Firefighter Tier II Retirement Enhancements (Sen. Harper) – UAC SUPPORTS**
This bill would increase the retirement benefit for public safety and firefighter personnel to a 25-year, 50% benefit. The bill is expected to move forward and be signed by the Governor but has changed to a 14% liability exposure for employers, meaning the County will pick up all costs of the program up to 14% of the employee’s income. The Legislature has agreed to fund the first year of the program, but the County will be responsible for costs in subsequent years.

**SB 139, Motor Assisted Transportation Amendments (Sen. Cullimore) – SUMMIT COUNTY OPPOSES**
This bill addresses challenges involved in the new motorized scooter industry, specifically, articulating where the scooters can be operated, prohibiting operation of the scooter under the influence of an alcohol product, and local ordinances regulating motor assisted scooters. Our concerns with the bill are it does not allow a contractual relationship with operators of shared scooters and it limits the way counties can assess fees. Summit County currently has a temporary zoning ordinance involving these vehicles to give us time to conduct a public survey about them and make decisions on how best to regulate them. This bill usurps much of our authority to make these decisions. The bill has passed the Senate and passed out of the House Transportation Committee on March 6th. It now heads to the House floor.

**SB 189, Temporary Land Use Regulation Amendments (Sen. Okerlund) – SUMMIT COUNTY AND UAC SUPPORT**
This bill passed out of the Senate on March 5th by a vote of 16 to 12. It would add to the Land Use Act “water study” to the list of reasons for placing a 6-month moratorium on development. This would allow cities and counties to assess the availability of water to sustain the new development. This would also give the state time to finish its engineering study comparing available wet water to the paper water shares people own. The Property Rights Coalition is not thrilled about the bill and has asked for a sunset on the 6-month moratorium provision for a water study.

**SB 239, Natural Gas Market Fair Access Act (Sen. Anderegg) – SUMMIT COUNTY SUPPORTS**
This bill defines the relationship between a local distribution company, a wholesale supplier, and a wholesale customer of natural gas as pertaining to a natural gas supply contract between a wholesale customer and a wholesale supplier. It also defines the role of a local distribution company as pertaining to a wholesale natural gas supply contract, including fees that a local distribution company may charge, and requires the Public Service Commission to consider certain fees charged by a local distribution company in a general rate case. As a wholesale gas buyer in Utah, this bill will allow Summit County’s gas transportation costs to be more competitive with neighboring states and save the County up to an additional $4500 per year on natural gas.

**SB 240, Property Tax Exemption for Wildfire Prevention (Sen. Hemmert)**
This bill would give property owners a dollar-for-dollar exemption from property tax for the amount of work done on their property to mitigate wildfire risk. The State Department of Natural Resources will determine with counties on what those eligible mitigation activities are and then process the paperwork with the county. The property owner would need to bring in receipts of the work done on their property, and depending on what was approved by the State Forrester, receive a tax exemption equal to what they paid for mitigation. They have to have that information into the County Assessor by May 1st. This will result in a small tax shift to make up for the credit. Counties asked UAC Staff to make sure the eligible activities are narrowing defined and that the bill focus on Wildland Urban Interface (WUI) corridors.

**SB 256, Truth In Taxation Requirement Revisions (Anderegg) – UAC Supports**
This bill allows a taxing entity to increase taxes to allow for inflation without holding a truth in taxation hearing. It was introduced late in the session, so we do not expect it to go through this year. However, it starts the conversation and the process for helping counties raise revenues other than new growth.

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**Consideration of Approval**

*Discussion and possible action regarding Dowland application for Special Exception, on property located at 5337 Killkare Loop Road, Kamas, UT 84036; Amir Caus*

Amir Caus, County Planner, reviewed the following staff report regarding a request for a Special Exception on property located at 5337 Killkare Loop Road, Kamas. Jason and Christina Dowland are the applicants.
STAFF REPORT

To: Summit County Council
From: Amir Caus, County Planner
Date of Meeting: March 13, 2019
Type of Item: Setback Special Exception - Possible Action
Process: Legislative Review

RECOMMENDATION: Staff recommends that the Summit County Council evaluate the proposed special exception request.

Staff further recommends that the Summit County Council based on any public comment received and Staff’s analysis, direct Staff to return with a set of Findings of Fact and Conclusions of Law for an action to be taken at a future meeting to be determined.

Project Description

Project Name: Dowland Setback Special Exception
Applicant(s): Integrated Planning and Design, Thomas Eddington
Property Owner(s): Jason and Christina Dowland
Location: 5337 Killkare Way, Summit County, Utah
Zone District: Agriculture 80 (AG-80)
Parcel Number and Size: KK-27 (0.39 acres) and KK-28-A (0.09 acres)
Type of Process: Legislative
Final Land Use Authority: Summit County Council

Proposal

Jason and Christina Dowland are the owners of Parcels KK-27 (0.39 acres) and KK-28-A (0.09 acres) which are both Conforming Parcels. Parcel KK-28-A has an existing 721 sq. ft. cabin which was constructed in 1958. The owners of the property are requesting to demolish and remove the existing cabin and construct a new single family dwelling which would not meet the River or Perennial Stream setback requirements. The owners would also combine the two parcels which would reduce the overall density by one unit. As part of the request, the owners are requesting that Summit County Council grant a special exception to the Eastern Summit County Development Code Section 11-3-7(C) to decrease the required 100 foot River or Perennial Stream setback to 85 feet. The 15 foot stream setback exception would allow for the construction of a new single family home in a location preferred by the property owners. The
owner’s proposal can be found in Exhibit A of this Staff Report. NOTE: The proposal has been revised since the January 23, 2019 Summit County Council meeting.

**Vicinity Map**

![Vicinity Map](image)

**Background**

Jason and Christina Dowland are the owners of the parcels, located at 5337 Killkare Way, Summit County, Utah.

- Parcels KK-27 (0.39 acres) and KK-28-A (0.09 acres) are considered Conforming Parcels.
- The owners are proposing to combine Parcels KK-27 and KK-28-A.
- The owners are requesting to demolish and remove an existing 721 sq. ft. cabin constructed in 1958 and propose to construct a new single family dwelling which would not meet the current 100 foot River or Perennial Stream setback requirements.
- The existing cabin is constructed on a lot line shared by Parcels KK-27 and KK-28-A.
- The property has access from Killkare Way.
- Per Section 11-3-7(C) of the Eastern Summit County Development Code, the setback for a River or Perennial Stream is 100 feet from the ordinary high water mark.

Dowland Special Exception – March 13, 2019
On May 31, 2018, Summit County Board of Adjustment denied a Variance request from the owners for a single family residence which did not meet the River or Perennial Stream setback requirements. The Board of Adjustment found that there was sufficient area to construct a similar size home outside of the 100-foot River or Perennial Stream setback. The owners were proposing to construct a single family residence with a 3,200 sq. ft. print and a total of 4,050 gross sq. ft. A 1,740 sq. ft. portion of the footprint would be dedicated for a garage for the family's RV and car. The remaining area of the house would be living quarters. The proposed River or Perennial Stream setback is 72 feet from the high water mark. Other properties in the subdivision have setbacks similar or smaller than the one being requested by the owners. The owners are unable to build a preferred design with a garage deep enough to accommodate their RV and car and meet the required setbacks. Because not all five criteria for a variance approval were met, the Board of Adjustment denied the request.

On November 19, 2018, the Council had a site visit to the subject property to better familiarize themselves with the property and its physical constraints.

The applicant believes that the strict language for granting of a variance may not be the most appropriate process and have therefore requested a special exception.

As part of the request, the owners wish to remove an existing cabin and combine two parcels together to construct their preferred design. This would result in one unit of density less than what there is today. If the current parcel layout remains, future variance requests would be a possibility. Please refer to the site plan options in Exhibit B for further reference.

On January 23, 2019, the Council held and closed the public hearing and discussion with the Applicant. The Council directed the Applicant to return with additional information demonstrating qualifications for the Special Exception. The applicant has included a revised analysis which can be found in Exhibit A. One of the changes made in the request is that the structure has been moved to the 25 foot front setback and the garage has been slightly decreased which changes the request for the stream setback from 72 to 85.

**Analysis and Findings**

Assuming the Council decides that a Special Exception is the appropriate vehicle for achieving better design, then the SCC may approve, approve with conditions, or deny a Special Exception based upon written findings of fact according to each of the following standards.

It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance:

**Standard 1:** The special exception is not detrimental to the public health, safety and welfare;

**Analysis:** The owners are proposing a home with an oversized garage that accommodates their RV trailer. The applicant has stated that the owners wish to preserve existing trees, and prevent damage to the septic field. **REQUEST DISCUSSION**
Standard 2: The intent of the development code and general plan will be met;

**Analysis:** The general plan and the development code provide the framework and details such as zoning regulations that include height and setbacks in order to maintain the health, safety, and welfare of the community.

The required setback is 100 feet from the high water mark and was established to prevent flooding of properties and to prevent infiltration of contaminants into the stream. The proposed River or Perennial Stream setback is 85 feet from the high water mark. Staff requests a discussion whether the proposed 85 foot setback is sufficient and whether the Council will require additional mitigation.

Goal 5.1(a) of the Eastern Summit County General Plan states; *Ensure that development occurs in a manner and location that protects natural resources, including but not limited to pollution prevention, erosion prevention, national forests, crucial wildlife habitat and corridors, agricultural lands, fisheries, water quality, wetlands, scenic view sheds, riparian areas, wildlife and clean air.*

The applicant is proposing to combine the two properties which would result in removal of one development right. **REQUEST DISCUSSION**

Standard 3: The applicant does not reasonably qualify for any other equitable processes provided through the provisions of the Code;

**Analysis:** On May 31, 2018, Summit County Board of Adjustment denied a Variance request from the owners for a single family residence which did not meet the River or Perennial Stream setback requirements. The Board of Adjustment found that there was sufficient area to construct a similar size home outside of the 100-foot River or Perennial Stream setback. The applicant believes that the strict language for granting of a variance may not be the most appropriate process and have therefore requested a special exception. **REQUEST DISCUSSION**

Standard 4: There are equitable claims or unique circumstances warranting the special exception;

**Analysis:** If the two conforming parcels remain, the developable area is limited to ~1,500 sq. ft. if the evergreens are preserved and ~2,500 sq. ft. without preserving the evergreens. Neither development area is of a typical rectangular shape associated with single family home development. The applicant is proposing to combine the two parcels, remove a development right, which would allow for the owners’ preferred design, but would require a special exception to allow for up to an 85 foot setback from the high water mark instead of the required 100 foot setback. The applicant believes that the lack of room for a septic field, limited placement opportunities, and well-head buffer zones covering much of the property are unique property circumstances. **REQUEST DISCUSSION**
Recommendation

Staff recommends that the Summit County Council evaluate the proposed special exception request.

Staff further recommends that the Summit County Council based on any public comment received and Staff’s analysis, direct Staff to return with a set of Findings of Fact and Conclusions of Law for an action to be taken at a future meeting to be determined.

Public Notice, Meetings and Comments

This item was publicly noticed as a public meeting with possible action by the Summit County Council. Notice of the public meeting was published in Summit County News.

As of the date of this report, no public comment has been received.

Attachments

Exhibit A – Proposal and Applicant Analysis (REVISED)
EXHIBIT A.1

Special Exception - Updated Analysis
Jason & Christina Dowland
5337 Killkare Loop Road

Background

• The property at 5337 Killkare Loop Road has a required 100’ setback from the high water mark of the Provo River that significantly reduces the buildable area on the lot. The property also contains a beautiful grove of mature evergreen trees that the owners would like to protect.

• The resulting building footprint encroached 28’ into the rear yard setback. Where 100’ is required, the owners sought approval to allow a 72’ setback.

• The owners, Jason and Christina Dowland, completed an application for a Variance that was heard by the Zoning Board of Adjustment on May 31, 2018. That application was denied based upon the fact that it did not meet all five of the hardship requirements. We are not contesting the denial of the Variance; we understand the very narrow legal parameters that define that review process.

• The next application made was for a Special Exception at a public hearing before the County Council on January 23, 2019. At that meeting the Council directed the Applicant to work with the County Health Department to better understand the development limitations on the property and return with that information for review.

Original Proposal

• The owners have two lots: KK-27 and KK-28A. They originally proposed to combine the lots and build a single-family dwelling unit with a 3,200 square foot building footprint for a house with 4,050 gross square feet. Based upon the required setbacks, the allowed building footprint for the combined lots is substantially greater - approximately 7,000 SF (52’ x 131’). The house included a 1,740 square foot garage for the family’s RV and car. The remaining first floor area (1,460 square feet) was the living area for Jason and Christina – all first-floor living due to Jason’s debilitating hip condition that makes climbing stairs a challenge. They also proposed a partial second floor with two bedrooms and a bathroom for guests only.

• This proposal required the demolition and removal of an existing dilapidated 721 square foot cabin (the cabin primarily sits on lot KK-28A but straddles the lot line between the two lots and in an existing nonconforming structure). The existing cabin is on a non-conforming lot that is approximately 40’ deep x 100’ wide.
Site Conditions

Zoning District: Agriculture 80 (AG 80)

Property Size (2 lots): 0.48 acres (20,909 sf)

Existing Site Survey
Panoramic Photo of Site (looking south into property)

Aerial Illustrating Surrounding Properties and Existing Conditions (including existing rear setbacks for neighboring properties)

Options to Move Forward:

1. Development Allowed on the Two Existing Developable Parcels
   
   - At the meeting with the County Council on January 23, 2019, there were some questions regarding what is currently allowed on site. The Applicant has two developable lots and could pursue two single-family houses, one on each.
While the minimum lot size for the Agriculture 80 (AG-80) zoning district is one acre, these two lots legal lots of record and the County Zoning Board of Adjustment would have to grant a series of variances for a house to be built on the smaller front lot (KK-28A) as well as the larger rear lot (KK-27). Without the variances, the property owners would not enjoy the same property rights as their neighbors. Without the variances, the allowed house footprint on the front lot would be approximately 3’ deep x 76’ long (approximately 228SF); a footprint and dimension that is not livable. Those variances would include:

KK-28A (smaller front lot)
- A front yard setback variance that is less than the 25’ requirement
- A rear yard setback variance that is less than the 12’ requirement
- Possible side yard setback variance(s) that are less than the 12’ requirement

KK-27 (larger rear lot)
- Possible front setback variance that is less than the 12’ requirement

The front property (KK-28A) is only 0.09 acres (3,900 SF) and does not have adequate space to locate a septic field. There are three (3) wellheads (neighbors’ wellheads) in the area that require a 100’ buffer around them with no septic fields allowed within this buffer. This necessitates the owner of this lot to secure an easement to locate their septic field on another lot. That lot could be the flag lot located to the rear of KK-28A and also owned by the Jason and Christina. Per meetings with the Summit County Health Department, Nathan Brooks, they strongly recommend against this and requested that Jason and Christina combine the lots and build just one house on the east side using the recently installed septic field located on that lot (KK-27). An email from Nathan Brooks also noted they would likely deny a request to build two houses given past problems with septic fields located on other properties via easements. These problems included ownership and maintenance concerns, damage inflicted by the owner of the property on which the septic field was installed, etc. A denial by the staff at the Summit County Health Department would have to be appealed to the Summit County Health Department Director. The lot is a legal lot of record and some type of easement or special allowance for a septic field would have to be permitted as part of this appeal process.

The concept site plan on the following page illustrates the many unique circumstances that exist on these two legal lots of record. The site plan also shows the two houses and driveway layout proposed by the Applicant if this is only allowed development scenario. The owners would only resort to this proposal if there were no award of a Special Exception by the County Council. They would exercise their legal right to build two houses and sell them. This is not their preferred scenario since it requires significant clearing of the site.
Proposed Site Plan With Two Houses and Easements for Driveway and Septic Field

2. Combine the Two Legal Lots of Record and Build a Single-family House with a Reduced Footprint (revised from the January 23, 2019 submittal)

- Rather than build a house on each of the two legal lots of record with the many necessary variances from the Board of Adjustment and exceptions for the septic field from the County Health Department, the Applicant would like to combine the lots and build one house.

- The original proposal presented to the County Council on January 23, 2019 for a Special Exception proposed a building footprint of 40' x 80' (3,200 SF). Based upon
the required setbacks, the allowed building footprint for the combined lots is approximately 7,000 SF (52' x 131'). The layout of the building allowed for first floor living due to the owner’s debilitating hip condition that makes climbing stairs a challenge. It also included a partial second floor with two bedrooms and a bathroom for guests only. This proposal also preserved the existing grove of evergreen trees located in the central part of the property – a site characteristic important to the owners and something they want to preserve if they are allowed to combine the lots and build a house for them. This proposal required a Special Exception to encroach into the rear yard setback by 28’. Where a 100’ setback is required, the owners requested a 72’ setback.

- Since that meeting, the owners have gone back to the drawing board and propose the following:
  - Move the house forward five feet (5’) to the new front setback line of 25’ (it was 30’ prior to the County’s zoning change last year).
  - Reduce the length of the house (garage area) by eight feet (8’).
  - These changes will result in a smaller footprint of 40’ x 72’ (2,880 SF) for the house and increase the rear yard setback. Where they originally requested a 72’ rear yard setback, they are now requesting a rear yard setback of 85’. This proposal will only encroach into the 100’ setback by 15’.

- This revised site plan is illustrated on the following page:
Proposed Site Plan With House at 85' Setback From the High Water Mark

Special Property-Specific Circumstances on the Two Lots That Constrain Development

- The unusual lot sizes and shapes – lot KK-27 is a flag lot that contains 0.39 acres (16,988 sq ft) and is situated behind lot KK-28A – a legal lot of record that is only 0.09 acres (3,900 sq ft) and that the County would have to allow a house to be built upon it despite its small size. The Agriculture – 80 (AG-80) zoning district requires a one-acre minimum lot size, however both of the lots are grandfathered and developable since they are legally platted lots. The owners understand the County’s desire to just have one structure built on combined lots – they share that desire.
• The three (3) wellheads and 100’ buffer areas that overlap their property significantly limit the ability of the property owner to install a necessary septic field on lot KK-28A. The septic field for lot KK-28A would likely require an easement to locate it on lot KK-27; an action that is not likely to be approved by the County Health Department. This would require an appeal to the Director of the Health Department.

• The septic field (for lot KK-27) covers a large area of the property (approximately 25’ x 35’) and is situated on the southern end of the property and fully within the buildable area of the lot pursuant to the Zoning Code. The reality is that no development can take place in this location without compromising the septic field and tank. This further limits the owners’ development footprint.

• The property is filled with beautiful mature trees including some slow-growing evergreens that significantly improve the character and value of the property. The owner would like to preserve as many of these trees as possible.

• Killkare Way - the paved road currently encroaches upon both of the owners’ lots within the front setback area. In addition, during the winter months, snow removal is repeatedly deposited in the front setback area of the owners’ property. That is primarily attributable to the fact that Killkare Way is directly aligned with the property and before the plows turn to the west for a straight run down that stretch of the road, they need to unload the snow from the north/south stretch of Killkare Way. This de facto snow storage area further limits the use of the property.

Special Exception Analysis

**Standard 1:** *The special exception is not detrimental to the public health, safety, and welfare.*

There are no detrimental effects to the public health, safety, and welfare should the County Council grant the Special Exception. The proposed setback (85'-0") from the high water mark would be the largest setback within the entire neighborhood. The average setback for the seven (7) lots along the Provo River that have houses on them is 43.37'. This proposal would be approximately 40' greater than the average setback currently in place. This is also the last lot to be developed along the waterfront and within this existing neighborhood.

Without the Special Exception, two houses could be built on these two legal lots of record and a second septic field would be required. This septic field would likely have to be located on the rear lot via an easement and would be very close to the 100’ well head buffer for the neighbor’s property. In addition, the parking area for a two-lot development would likely have to be located on the south side of the property, closer to the high water mark.
and within the 100’ setback. The 100’ setback applies to structures only, not paved areas. Per code, driveways and parking pads can be located 10’ from the property line. This paved area would be much closer - about 45’ to the high water mark - and could create significant run off impacts into the riparian areas of the Provo River.

Furthermore, preserving the existing trees, preventing damage to the septic field and allowing the continued snow storage at the front of the lot will actually enhance the public health, safety and welfare. It is worth noting that without a Special Exception, the existing two-lot situation would necessitate and qualify for a number of variances including:

- **KK-28A (smaller front lot)**
  - A front yard setback variance that is less than the 25’ requirement
  - A rear yard setback variance that is less than the 12’ requirement
  - Possible side yard setback variance(s) that are less than the 12’ requirement

- **KK-27 (larger rear lot)**
  - Possible front setback variance that is less than the 12’ requirement

**Standard 2: The intent of the development code and general plan will be met.**

The proposal to decrease the setback from 100’ to 85’ meets the intent of the development code and general plan. As noted above, this 85’ setback will be the largest for any house in the neighborhood and will allow for the greatest degree of preservation of mature vegetation and trees (an important aspect that should be preserved to protect water resources from runoff, silt, etc.). The intent of the development code and general plan is to protect the County’s waterways. The proposed setback, greater than any other in the neighborhood, combined with the fact that the vegetation in this area will remain in place is assurance that the intent is met. There is no better “sponge” to collect runoff and resolve drainage issues than existing mature vegetation; the preservation of these natural attributes is almost always more beneficial than any manmade device or imposed setback on site.

**Standard 3: The application does not reasonably qualify for any other equitable processes provided through the provisions of the code.**

The owners did pursue a variance for this project and had a hearing on May 31, 2018. The Variance was denied and the owners respect that decision based upon the fact that the requirements for a Variance are very focused and very numeric by design. Also challenging is that an Applicant must meet all five of the criteria for approval; not a majority. For example, one of the five criteria for a Variance is: “there are special circumstances attached to the property that do not generally apply to other properties in the same district.” It can easily be argued that there are NOT special circumstances that apply to this property because ALL of the houses in this neighborhood that have been built along the waterfront have the same site conditions and requirements – 100’ setback from the high water mark. That is a fair assessment. What is different is that this property is the LAST property to be
developed and all of the existing houses are already built within the 100’ setback. The lots are similar except for the fact that all remaining lots are already built out. From a technical read of this criterion, we do not have any special circumstances. But that is really not the question at hand. The bigger question is can we meet the intent of the development code and general plan and build a house to accommodate the property owners and house their RV...and protect existing vegetation and tree canopy to ensure the integrity of the high water mark? We believe these goals are not mutually exclusive and are confident that each can be accomplished with the proposed site plan that will situate the proposed house further back from the high water mark than any other house in the neighborhood.

**Standard 4:** There are equitable claims or unique circumstances warranting the special exception.

The owners have equitable claims based upon the very unique circumstances that impact their property. While a Variance review will correctly state that all of the properties in the neighborhood (along the river) have special circumstances and ultimately result in a denial for an Applicant (while discounting the fact that the other properties are already developed and enjoying their homes), equitable claims warranting a special exception offer a different context for review of this case. This review is prima facie and allows for a more common sense approach. The following is a summation of the property's unique circumstances that were outlined earlier in this report:

- The unusual lot sizes and shapes – Lot KK-27 is a flag lot that contains 0.39 acres (16,988 sq ft) and is situated behind lot KK-28A – a legal lot of record that is only 0.09 acres (3,900 sq ft) and that the County would have to allow a house to built upon it despite its small size. The Agriculture – 80 (AG-80) zoning district requires a one-acre minimum lot size, however both of the lots are developable since they are legally platted lots. The owners understand the County’s desire to just have one structure built on combined lots – they share that desire. This proposal would be significantly less impactful on the surrounding environment than would two houses on these lots (left uncombined).

- The three (3) wellheads and 100’ buffer areas significantly limit the ability of the property owner to install a necessary septic field on lot KK-28A. The septic field for lot KK-28A would likely require an easement to locate it on lot KK-27; an action that is not likely to be approved by the County Health Department. This would require an appeal to the Director of the Health Department.

- The property is filled with beautiful mature trees including some slow-growing evergreens that significantly add to the character and value of the property. The owner would like to preserve as many of these trees as possible.

- The septic field covers a large area of the property (approximately 25’ x 35’) and is situated on the southern end of the property and fully within the buildable area of
the lot pursuant to the Zoning Code. The reality is that no development can take place in this location without compromising the septic field and tank. This further limits the owners' development footprint.

• Killkare Way – the paved road actually encroaches upon both of the owners' lots and within the front setback area. In addition, during the winter months, snow removal is repeatedly deposited in the front setback area of the owners' property. That is primarily attributable to the fact that Killkare Way is directly aligned with the property and before the plows turn to the west for a straight run down that stretch of the road, they need to unload the snow from the north/south stretch of Killkare Way. This de facto snow storage area further limits the use of the property.

The applicants and their representative, Thomas Eddington, reviewed the following presentation.
REQUEST FOR
SPECIAL
EXCEPTION

5537 KILLKARE LOOP ROAD
BACKGROUND

• Jason and Christina Dowland bought the property two years ago; it is the last undeveloped property in this small neighborhood.

• Their dream is to build a house for the two of them that sits within a wooded setting. They created a site plan with a building footprint to preserve the existing mature evergreen trees on site and maintain neighborhood compatibility.

• The property is uniquely impacted by three nearby wellheads with 100’ buffer requirements from septic fields. Building on the two legal lots of record would necessitate the County providing setback variances and an exception for an offsite septic field.
THE SITE

Zoning District: Agriculture 80 (AG 80)

Property Size (2 lots): 0.48 acres (20,909 sf)
  Lot KK-28A 0.09 acres (3,900 SF)
  Lot KK-27 0.39 acres (16,988 SF)

Proposed Building Footprint: 2,880 square feet (40’x 72’
including garage)

Proposed Gross Square Feet of Building: 4,050 (including garage)
ALLOWED BY RIGHT

TWO LEGAL LOTS OF RECORD:
VARIANCES THAT WOULD BE GRANTED TO ALLOW FOR USE OF LEGAL LOTS OF RECORD

KK-28A (smaller front lot)

- A front yard setback variance that is less than the 25' requirement
- A rear yard setback variance that is less than the 12' requirement
- Possible side yard setback variance(s) that are less than the 12' requirement

KK-27 (larger rear lot)

- Possible front setback variance that is less than the 12' requirement
HEALTH DEPARTMENT REQUIREMENTS

The Summit County Health Department (22 February 2019 email) indicated:

- "To build a home on KK-28-A (.09 acres) is not possible as far as installing a septic system and the waste generated on KK-28-A must stay on that lot. I would not approve this option or consider it an option."

A denial by the staff at the Summit County Health Department would have to be appealed to the Summit County Health Department Director. The lot is a legal lot of record and some type of easement or special allowance for a septic field would have to be permitted as part of this appeal process. The Health Department also noted that an "alternative system" for the septic field would be required to allow the septic field to be built within the 100’ rear setback line (and must be at least 50’ from high water mark).
TWO LEGAL LOTS OF RECORD:
ALLOWED BY RIGHT W/REQUIRED VARIANCES
DESIRED OPTION: REMOVE THE EXISTING STRUCTURE, COMBINE LOTS, AND BUILD ONLY ONE HOUSE
REVISED PROPOSAL

Since that meeting, the owners have gone back to the drawing board and propose the following:

- Move the house forward five feet (5') to the new front setback line of 25' (it was 30' prior to the County’s zoning change last year).

- Reduce the length of the house (garage area) by eight feet (8').

- These changes will result in a smaller footprint of 40' x 72' (2,880 SF) for the house and increase the rear yard setback. Where they originally requested a 72' rear yard setback, they are now requesting a rear yard setback of 85'. This proposal will only encroach into the 100' setback by 15'.
The Army Corps of Engineers built the +/-6' high berm along the entire length of the neighborhood in the late 1970s.
THE SITE IN CONTEXT
SNOW STORAGE AT FRONT OF PROPERTY
SPECIAL EXCEPTION CRITERIA

Standard 1: *The special exception is not detrimental to the public health, safety, and welfare.*

- There are no detrimental effects to the public health, safety, and welfare should the County Council grant the Special Exception. The proposed setback (85'-0") from the high water mark would be the largest setback within the entire neighborhood. The average setback for the seven (7) lots along the Provo River that have houses on them is 43.37'. This proposal would be approximately 40' greater than the average setback currently in place. This is also the last lot to be developed along the waterfront and within this existing neighborhood.

- Without the Special Exception, two houses could be built on these two legal lots of record and a second septic field would be required. This septic field would likely have to be located on the rear lot via an easement and would be very close to the 100' well head buffer for the neighbor's property. In addition, the parking area for a two-lot development would likely have to be located on the south side of the property, closer to the high water mark and within the 100' setback. The 100' setback applies to structures only, not paved areas. Per code, driveways and parking pads can be located 10' from the property line. This paved area would be much closer - about 45' to the high water mark - and could create significant run off impacts into the riparian areas of the Provo River.
SPECIAL EXCEPTION CRITERIA

CONTINUED - Standard 1: The special exception is not detrimental to the public health, safety, and welfare.

- Furthermore, preserving the existing trees, preventing damage to the septic field and allowing the continued snow storage at the front of the lot will actually enhance the public health, safety and welfare. It is worth noting that without a Special Exception, the existing two-lot situation would necessitate and qualify for a number of variances including:

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Standard 2: *The intent of the development code and general plan will be met.*

- The proposal to decrease the setback from 100’ to 85’ meets the intent of the development code and general plan. As noted above, this 85’ setback will be the largest for any house in the neighborhood and will allow for the greatest degree of preservation of mature vegetation and trees (an important aspect that should be preserved to protect water resources from runoff, silt, etc.).

- The intent of the development code and general plan is to protect the County’s waterways. The proposed setback, greater than any other in the neighborhood, combined with the fact that the vegetation in this area will remain in place is assurance that the intent is met. There is no better “spoon” to collect runoff and resolve drainage issues than existing mature vegetation; the preservation of these natural attributes is almost always more beneficial than any manmade device or imposed setback on site.
SPECIAL EXCEPTION CRITERIA

Standard 3: The application does not reasonably qualify for any other equitable processes provided through the provisions of the code.

- The owners did pursue a variance for this project and had a hearing on May 31, 2018. The Variance was denied and the owners respect that decision based upon the fact that the requirements for a Variance are very focused and very numeric by design. Also challenging is that an Applicant must meet all five of the criteria for approval; not a majority. For example, one of the five criteria for a Variance is: “there are special circumstances attached to the property that do not generally apply to other properties in the same district.” It can easily be argued that there are NOT special circumstances that apply to this property because ALL of the houses in this neighborhood that have been built along the waterfront have the same site conditions and requirements – 100’ setback from the high water mark.
SPECIAL EXCEPTION CRITERIA

Standard 4: There are equitable claims or unique circumstances warranting the special exception.

The owners have equitable claims based upon the very unique circumstances that impact their property. While a Variance review will correctly state that all of the properties in the neighborhood (along the river) have special circumstances and ultimately result in a denial for an Applicant (while discounting the fact that the other properties are already developed and enjoying their homes), equitable claims warranting a special exception offer a different context for review of this case. This review is prima facie and allows for a more common sense approach. The following is a summation of the property's unique circumstances that were outlined earlier in this report:

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CONTINUED - Standard 4: There are equitable claims or unique circumstances warranting the special exception.

- The three (3) wellheads and 100’ buffer areas significantly limit the ability of the property owner to install a necessary septic field on lot KK-28A. The septic field for lot KK-28A would likely require an easement to locate it on lot KK-27; an action that is not likely to be approved by the County Health Department. This would require an appeal to the Director of the Health Department.

- The property is filled with beautiful mature trees including some slow-growing evergreens that significantly add to the character and value of the property. The owner would like to preserve as many of these trees as possible.
CONTINUED - Standard 4: There are equitable claims or unique circumstances warranting the special exception.

- The septic field covers a large area of the property (approximately 25' x 35') and is situated on the southern end of the property and fully within the buildable area of the lot pursuant to the Zoning Code. The reality is that no development can take place in this location without compromising the septic field and tank. This further limits the owners' development footprint.

- Killkare Way – the paved road actually encroaches upon both of the owners' lots and within the front setback area. In addition, during the winter months, snow removal is repeatedly deposited in the front setback area of the owners' property. That is primarily attributable to the fact that Killkare Way is directly aligned with the property and before the plows turn to the west for a straight run down that stretch of the road, they need to unload the snow from the north/south stretch of Killkare Way. This de facto snow storage area further limits the use of the property.
Council Member Clyde has concerns. He feels they could be compliant without a variance of the setback to the river if they moved trees and redesign. He does not think this meets the special exception criteria. Non-conforming lots are to become conforming over time. He is not supportive of the request.

Council Member Carson agreed that a design can be submitted to meet all requirements of the code.

Council Member Wright is compelled to follow the code and should not ignore requirements. He feels they can combine lots and still build a house that complies with the code.

Council Member Robinson echoed what was said. A house design can still have good livable space and he does not see legal ground for granting a special exception.

Council Member Wright made a motion to deny the special exception request on the property located at 5337 Killkare Loop Road, that it does not meet the criteria for granting a special exception, adding that findings are based on the exception does not comply with County Code requirements for setback to protect the river, septic, property, and trees that create a concern for fire issues, and is not good for the public health, safety, and welfare. Also, by combining lots as proposed, a building footprint could be designed to meet all requirements and have ample opportunity for the landowners to obtain a building permit without granting a special exception. Council Member Clyde seconded and all voted in favor, 5-0.

**Discussion and possible adoption of Ordinance No. 869-F, an Amendment to the Assessment Ordinance for the Silver Creek Sewer Voluntary Assessment Area (the “Assessment Area”) to Add Certain Property to the Assessment Area; and Related Matters; Phil Bondurant**

Phil Bondurant, Health Department, presented the following Amendment to the Assessment Ordinance for the Silver Creek Sewer Assessment Area with a recommendation to add property to the assessment list.
ORDINANCE NO. _869-F_

AN AMENDMENT TO THE ASSESSMENT ORDINANCE FOR THE SILVER CREEK SEWER VOLUNTARY ASSESSMENT AREA (THE "ASSESSMENT AREA") TO ADD CERTAIN PROPERTY TO THE ASSESSMENT AREA; AND RELATED MATTERS.

WHEREAS, the County Council (the "Council") of Summit County, Utah (the "County"), pursuant to the Assessment Area Act, Title 11 Chapter 42, Utah Code Annotated 1953, as amended (the "Act"), and pursuant to a resolution adopted on April 5, 2017 (the "Designation Resolution"), designated the Assessment Area after having obtained from the owners of all properties (collectively, the "Owner") to be assessed within the Assessment Area an executed Waiver of Requirements under Title 11, Chapter 42, to Designate a Silver Creek Voluntary Assessment Area and Levy an Assessment for the Purposes of Sanitary Sewer Improvements (the "Waiver and Consent") in the form attached to the Designation Resolution; and

WHEREAS, on April 5, 2017 the Council adopted an ordinance (the "Assessment Ordinance") which levied assessments (the "Assessments") against all the properties within the Assessment Area; and

WHEREAS, a property owner desires to be added to the Assessment Area (the "Amended Owner") and has executed the required Consent in connection therewith; and

WHEREAS, the Council desires to amend the Assessment Ordinance in order to include the Amended Owner’s property therein and levy an Assessment on such property:

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMMIT COUNTY, UTAH:

Amendment of Assessment Ordinance. The Assessment Ordinance is hereby amended to include the Amended Owner’s property as described on Exhibit A attached hereto. The Assessment is hereby levied on the Amended Owner’s property in the amount as set forth in Exhibit A. The revenue from the Assessment on Amended Owner’s property shall be applied as set forth in County Resolution 2017-07, dated as of May 24, 2017.

PASSED AND APPROVED by the County Council, this 13th day of March, 2019.

By: [Signature]
Roger Armstrong
Chair

ATTEST:

By: [Signature]
Kent Jones
County Clerk

COUNTY CLERK'S SEAL
STATE OF UTAH
APPROVED AS TO FORM:

By: David L. Thomas
    Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

Councilmember Armstrong     aye
Councilmember Robinson       aye
Councilmember Clyde          aye
Councilmember Carson         aye
Councilmember Wright         aye

Thereupon the County Treasurer was authorized and directed to give notice of assessment by certified mail to the property owners in the Assessment Area.

After the transaction of other business not pertinent to the foregoing matter, the meeting was on motion duly made, seconded, and carried, adjourned.

By: Roger Armstrong
    Chair

ATTEST:

By: Kent Jones
    County Clerk
STATE OF UTAH

COUNTY OF SUMMIT

I, Kent Jones, the duly appointed, qualified, and acting County Clerk of Summit County, Utah, do hereby certify that the above and foregoing is a full, true, and correct copy of the record of proceedings had by the County Council of Summit County, Utah, at its meeting held on March 13, 2019, insofar as the same relates to or concerns the Silver Creek Sewer Voluntary Assessment Area (the "Assessment Area") as the same appears of record in my office.

I further certify that this amendment to Assessment Ordinance levying the assessments was recorded by me in the official records of Summit County, Utah, on ____________________________, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Summit County, Utah, this March 13, 2019.

By: ____________________________

Kent Jones
County Clerk

[Seal]
STATE OF UTAH  )
COUNTY OF SUMMIT  )

Nancy Shupe

I, Corrie Forsling, the duly appointed, qualified, and acting Treasurer of Summit County, Utah, do hereby certify that on 3-14-2019, I caused a Notice of Assessment to be mailed to each Amended Owner whose property will be assessed within the amended Silver Creek Sewer Voluntary Assessment Area (the “Assessment Area”) by United States certified mail, postage prepaid, at the last known address of such owner.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Summit County, Utah, this March 14, 2019.

(SEAL)

By: Nancy Shupe
County Treasurer
EXHIBIT A

ASSESSMENT LIST

The Assessment is levied per Subdivision Lot and against all of the area of the Assessment Area as follows:

<table>
<thead>
<tr>
<th>Improvements</th>
<th>Estimated Assessment</th>
<th>Method of Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sanity Sewer Improvements</td>
<td>$34,777.60</td>
<td>Per Subdivision Lot</td>
</tr>
</tbody>
</table>

The estimated Assessment will be paid in annual installments of $1,979.76 plus delinquent interest and penalties, if any.

The land referred to below is situated in the County of Summit, State of Utah.

SILVER CREEK ESTATES, PLAT I

INCLUDING THE FOLLOWING PLATTED LOTS, ACCORDING TO THE PLATS THEREOF ON FILE WITH THE SUMMIT COUNTY RECORDER:

<table>
<thead>
<tr>
<th>Subdivision</th>
<th>Tax-ID</th>
<th>Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Silver Creek Estates</td>
<td>SL-I-7-8</td>
<td>Lot 8 Block 7</td>
</tr>
<tr>
<td></td>
<td>786 E. Division Street</td>
<td></td>
</tr>
</tbody>
</table>

Council Member Carson made a motion to adopt Ordinance 869-F, an Amendment to the Assessment Ordinance for the Silver Creek Sewer Voluntary Assessment Area (the “Assessment Area”) to Add Certain Property to the Assessment Area being SILVER CREEK ESTATES, PLAT I, INCLUDING THE FOLLOWING PLATTED LOTS, ACCORDING TO THE PLATS THEREOF ON FILE WITH THE SUMMIT COUNTY RECORDER: Subdivision Silver Creek Estates Parcel SL-I-7-8, 786 E. Division Street. Council Member Robinson seconded the motion with all voting in favor, 5-0.

Discussion and approval of Proclamation 2019-3, a Proclamation Recognizing Susan Ovard for 18 Years of Public Service to the Citizens of Summit County, Utah

Council Member Wright made a motion to approve Proclamation 2019-3, a Proclamation Recognizing Susan Ovard for 18 Years of Public Service to the Citizens of Summit County, Utah. Council Member Carson seconded with all voting in favor, 5-0.
PROCLAMATION RECOGNIZING

Susan Ovard

FOR 18 YEARS OF PUBLIC SERVICE TO THE CITIZENS OF
SUMMIT COUNTY, UTAH

Whereas, Susan was born to Wayne and Marge Mortenson on May 1, 1950 in Ogden, Utah where the weather that day was 62 degrees, sunny, and bright—just like Susan’s disposition; and

Whereas, Susan is one of nine (9) Mortenson daughters and frequently referred to by many as the “brightest one”; and

Whereas, Susan attended Morgan Elementary School and Morgan High School; and

Whereas, Susan attended Weber State University and Stevens Henager College and holds an Associates degree; and

Whereas, Susan married Jeff Ovard and went on to raise sons Curtis and Rex, and continues to wrangle and spoil 5 equally-bright grandchildren; and

Whereas, Susan previously worked at Bell Oil, Henefer City Planning, Fox Color Lab, and Bailey’s Home Furnishing until such time as she solved all their problems and needed a bigger challenge; and

Whereas, Susan became a Summit County employee in May 2001 working in the Administrative Department until 2007 wherein she was elevated in job responsibility to Project Coordinator for the Community Development Department and ultimately Officer Manager for the Community Development Department from May 2012 to her retirement; and

Whereas, Susan has been vital professional asset to the Summit County Community Development Department as supervisor, mentor, colleague, logistics coordinator, unofficial Den Mother, supreme party coordinator, and friend; and

Whereas, Susan will now channel a lifetime of professional skills and talents into managing travel logistics to Disneyland, Bear Lake, and Olive Garden; Gardening; furnishing administrative back-up to Santa Claus and the Henefer Post Office during the Christmas season; and continuing to provide profound love and support to family and many friends; and

Whereas, Jeff Ovard must prepare for a very, very long binge-watching session of the Hallmark Channel.

NOW, therefore, be it resolved that the Summit County Council does hereby recognize the retirement of Susan Ovard and thanks her for her contributions to the County, for her continued support of employees and her commitment to making Summit County an all-around better place for those who live in and visit here.

APPROVED AND ADOPTED this 13th day of March 2019.

SUMMIT COUNTY COUNCIL

[Signatures]

Roger Armstrong, Chair

Kim Carson

Doug Clyde, Vice Chair

Christopher Robinson

Glenn Wright

Kent Jones, Clerk
Discussion and approval of Proclamation 2019-4, a Proclamation Recognizing John Jensen for 5 Years of Public Service to the Citizens of Summit County, Utah

Council Member Clyde made a motion to approve Proclamation 2019-4, a Proclamation Recognizing John Jensen for 5 Years of Public Service to the Citizens of Summit County, Utah. Council Member Carson seconded with all voting in favor, 5-0.
Proclamation No. 2019-4

Proclamation Recognizing
John Jensen
For 5 Years of Public Service to the Citizens of
Summit County, Utah.

Whereas, John Jensen is a resident of Summit County; and

Whereas, John loves spending time with his family, most specifically hunting and fishing with his grandkids in the Uinta Mountains; and

Whereas, John also likes to hike the mountains and look for antler sheds; and

Whereas, John raises cows, pigs, turkeys and chickens; and

Whereas, John worked for Summit County for 5 years in the Public Works Road Department; and

Whereas, John served the citizens of Summit County by plowing snow and keeping residents safe; and

Whereas, John is a great employee, proving to be very supportive and willing to help with any request or need; and

Whereas, John is a very kind person, someone who is always a pleasure to be around and associate with.

Now, therefore, be it resolved that the Summit County Council does hereby recognize the retirement of John Jensen and thanks him for his contributions to the County, for his continued support of employees and his commitment to making Summit County an all-around better place for those who live in and visit here.

Approved and adopted this 13th day of March, 2019.
Summit County Council

Roger Armstrong, Chair

Doug Clyde, Vice Chair

Kent Jones, Clerk
Advice and consent to the County Manager's recommendation to appoint member to the Summit County Weed Control Board

Council Member Robinson made a motion to consent to the County Manager's recommendation to appoint Mindy Wheeler to the Summit County Weed Control Board for a term of service to expire November 30, 2023. Council Member Wright seconded and all voted in favor, 5-0.

Advice and consent of County Manager's recommendation to appoint member to the Summit County Library Board of Directors

Council Member Robinson made a motion to consent to the County Manager's recommendation to appoint Lupita Garcia to complete the unexpired term of Melissa Marsted on the Summit County Library Board of Directors with a term to expire February 28, 2022. Council Member Wright seconded and all voted in favor, 5-0.

Advice and consent of County Manager's recommendation to appoint member to the Eastern Summit County Agriculture Preservation and Open Space Advisory Committee (ESAP)

Council Member Clyde made a motion to consent to the County Manager's recommendation to appoint Terry Diston to the Eastern Summit County Agricultural Preservation Committee with a term of service to expire February 28, 2022. Council Member Carson seconded the motion and all voted in favor, 5-0.

Council Minutes dated February 27, 2019, and March 6, 2019

Council Member Clyde made a motion to approve the minutes of February 27, 2019 as written with Council Member Robinson seconding and all voting in favor, 5-0.

Council Member Carson made a motion to approve the minutes of March 6, 2019 as written with Council Member Wright seconding and all voting in favor, 5-0.

Council Comments

- Council Member Carson is serving on the PCSD Masterplan Committee but cannot attend on March 26. Council Member Wright will attend in her place
- She suggested a review about Public Lands issues with original stakeholders and integrate such in the work plan moving forward. Manager Fisher will follow up
- Daggett County officials have approached a change in designation for Spirit Lake
- She attended the CDBG meeting to review applications. Decisions within a month
- Council Member Clyde noted the PCHS Student Council conducting presentations on micro-aggression
- Council Member Robinson suggested a Central Wasatch Staff presentation in a work session
- Council Member Wright attended a Mountainland meeting on plat revisions for housing projects
• Chair Armstrong attended a meeting with North Summit Fire members about managing long range growth and budget plans
• He asked that John Hanrahan be recognized for his volunteer efforts in the community by approval of a Council Proclamation

Manager Comments

• Manager Fisher asked Dave Thomas to discuss a proposed Franchise Agreement being prepared that will include a classification process and minimum standards for County rights-of-way

Possible action regarding appeal of Eastern Summit County Planning Commission’s Decision for the Skyway Cell Tower Conditional Use Permit; Liz Walker and Justin Jones, Appellants; Amir Caus, County Planner

This matter has been withdrawn from the agenda.

Closed Session – Personnel

Council Member Robinson made a motion to convene in closed session to discuss personnel. Council Member Clyde seconded the motion with all voting in favor, 5-0.

The Summit County Council met in closed session from 4:40 p.m. to 5:25 p.m. to discuss personnel. Those in attendance were:

Roger Armstrong, Council Chair
Doug Clyde, Council Vice-Chair
Chris Robinson, Council Member
Kim Carson, Council Member
Glenn Wright, Council Member

Tom Fisher, Manager
Janna Young, Deputy Manager
Dave Thomas, Chief Civil Deputy

Council Member Robinson made a motion to leave session to discuss personnel and convene in open session. The motion was seconded by Council Member Wright and passed unanimously, 5 to 0.

Public Input

There was no public input.

Public hearing and possible adoption of Ordinance No. 894, Amending the Eastern Summit County Development Code to Create Section 11-6-21, Preservation of Historic Structures and Section 10-3-16, Chart of Allowed and Permitted Uses; Ray Milliner

Ray Milliner, County Planner, reviewed the following staff report for possible action on Code Amendments to the Eastern Summit County Development Code regarding Preservation of Historic Structures, and charts of allowed and permitted uses. He recommended a public hearing be conducted and consideration of approval by ordinance including finding of facts and conclusions of law outlined.
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

RECOMMENDATION: Staff recommends that the Summit County Council review the ordinance relating to the adaptive reuse of historic structures, conduct a public hearing and adopt the attached ordinance per the findings of fact and conclusions of law in this staff report.

Proposal
The purpose of the ordinance is to provide owners of historic structures in Eastern Summit County with opportunities to establish an adaptive reuse in the building while limiting the impacts of the use on adjacent property owners.

Background
In April of 2018 the Eastern Summit County Planning Commission reviewed changes to the Use Table in Chapter 3 of the Eastern Summit County Development Code. As part of the review, Commission members noted that the “Historic structures, preservation of, including related accessory and supporting uses” line had been removed from the table and enquired as to why. Staff responded that there was no program in the code for the use, and therefore there was no need to feature it in the table. It was noted that the Snyderville Basin Development Code does have a program that has been used on occasion and has been relatively successful. Commission members commented that perhaps it would be beneficial to have the same program available for residents of the Eastern Summit County Planning area, and directed staff to research the possibility.

Based on this direction, staff returned to the Commission for a work session on June 7, 2018 to explain the Snyderville Basin program and further discuss the possibility of creating a historic preservation program for Eastern Summit County. Commissioners reviewed the Basin language and directed staff to modify it to fit the needs of Eastern Summit County.

The Commission reviewed the language on October 4, and conducted a public hearing and forwarded a positive recommendation to the Council on November 1, 2018.

On February 7, 2019 the County Council reviewed the language and provided staff with direction. The changes requested by the Council have been incorporated into the proposed ordinance.
Proposed Language

The proposed process is entirely voluntary. The purpose of the language is to create incentives for owners of historically significant structures, with the end goal of preserving them. There are 4 distinct sections in the language. Staff has provided a short description of each below (See Exhibit A for complete language).

1. **Determination of Significance**: This section establishes guidelines for determining what buildings are eligible for designation as “historically significant.” The Planning Commission would make that determination prior to the submittal of a Conditional Use Permit for the adaptive reuse. Criteria for Historically Significant determinations are based on language from the Secretary of the Interior’s standards.

2. **Additional Uses Allowed**: This section establishes the uses that would be allowed in a historic building above what is permitted by the underlying zone.

3. **Qualifying Provisions**: Establishes criteria that a project must meet prior to becoming eligible for Planning Commission review of a Conditional Use Permit.

4. **Use table**: This section identifies where the use is allowed, conditional or low impact.

Process

1. The owner of a historic property would submit a Conditional Use Permit application for the adaptive reuse of a historic structure.

2. Staff would review the application for compliance with the established criteria in the proposed language and prepare a recommendation to the Planning Commission.

3. The Planning Commission would be asked to:

   a. Make findings for a determination of Historical Significance per the criteria in the proposed Code language.
   
   b. Evaluate the proposal and make findings per the proposed qualifying provisions.
   
   c. Evaluate the proposal and make findings of compliance with the criteria for a Conditional Use Permit.

This process can be conducted concurrently.

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.

Code Amendments
Goal 2.3. b States:

“Consider development of a heritage preservation plan.”

**Analysis:** The proposed ordinance is a heritage preservation plan and therefore meets is compatible with the goals of the General Plan.

**Recommendation**
Staff recommends that the Summit County Council review the ordinance relating to the adaptive reuse of historic structures, conduct a public hearing and adopt the attached ordinance per the findings of fact and conclusions of law in this staff report.

**Findings of Fact**

1. The purpose of the amendments is to provide owners of historic structures in Eastern Summit County with opportunities to establish an adaptive reuse in the building while limiting the impacts of the use on adjacent property owners.
2. Goal 2.3. b of the Eastern Summit County General Plan states, “Consider development of a heritage preservation plan.”
3. No Heritage Preservation plan has been adopted by Summit County.
4. On June 7, 2018 the Eastern Summit County Planning Commission conducted a work session to discuss the possibility of creating a heritage preservation plan.
5. The purpose of this language is to create incentives for owners of historically significant structures to use their property, with the end goal of preserving them.
7. The Eastern Summit County Planning Commission forwarded a positive recommendation to the Summit County Council on November 1, 2018.

**Conclusions of Law:**

1. The amendment is consistent with the goals, objectives, and policies of the General Plan.
2. The amendment will not permit the use of land that is not consistent with the uses of properties nearby.
3. The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property.
4. The amendment will promote the public health, safety and welfare of the People of Eastern Summit County.

**Exhibits**

Exhibit A. Proposed Ordinance

Code Amendments
SUMMIT COUNTY, UTAH
ORDINANCE 894

AMENDING THE EASTERN SUMMIT COUNTY DEVELOPMENT CODE TO CREATE SECTION 11-6-21, PRESERVATION OF HISTORIC STRUCTURES AND SECTION 10-3-16, CHART OF ALLOWED AND PERMITTED USES

PREAMBLE

WHEREAS, goal 2.3. b of the Eastern Summit County General Plan states, “Consider development of a heritage preservation plan.”; and

WHEREAS, the purpose of the amendments is to provide owners of historic structures in Eastern Summit County with opportunities to establish an adaptive reuse in the building while limiting the impacts of the use on adjacent property owners.”; and

WHEREAS it has been shown that small commercial businesses, such as bookstores, restaurants, antique stores, and small office uses thrive in historic structures; and

WHEREAS, the preservation of historic buildings allows residents and visitors to see the aesthetic and cultural history of Eastern Summit County; and

WHEREAS, no comprehensive Heritage Amenities and Cultural Arts Plan has been adopted by Summit County; and

WHEREAS, the preservation of historic buildings is a one-way street, meaning there is no way to save or renovate a historic building once it has been torn down; and

WHEREAS, The Summit County Council finds there is a compelling public interest that justifies the proposed amendments to the Eastern Summit County Development Code.

WHEREAS, The Eastern Summit County Planning Commission reviewed the proposed language at a work session on June 7, 2018.

Whereas, The Eastern Summit County Planning Commission conducted a public hearing for the proposed language on October 4, 2018.

Whereas, The Eastern Summit County Planning Commission forwarded a positive recommendation to the County Council on November 1, 2018.

WHEREAS, a public hearing was held to receive public comment and allow for the planning staff to make presentations to the public and County Council in regard to the application on March
13, 2019.

NOW, THEREFORE, the County Legislative Body of the County of Summit, the State of Utah, hereby ordains the following:

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 _13_ day of _March_, 2019.

ATTEST:

Kent Jones
Summit County Clerk

SUMMIT COUNTY COUNCIL

Roger Armstrong, Chair

APPROVED AS TO FORM

David L. Thomas
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

Councilmember Carson  _aye_
Councilmember Robinson  _aye_
Councilmember Wright  _aye_
Councilmember Armstrong  _aye_
Councilmember Clyde  _aye_

EXHIBIT A
11-6-21: ADAPTIVE REUSE OF HISTORICALLY SIGNIFICANT STRUCTURES:

Historically significant buildings are valued in Summit County based upon their contribution to the general welfare, aesthetics and values of property and historical education of Summit County. Historically significant buildings tell the story of Summit County and provide architectural and/or cultural significance. The purpose of these regulations is to provide for the adaptive reuse of a historically significant building with a new use that meets the criteria set forth in this code.

A. No Increase In Density: No increase in density above those uses in the underlying zoning district is or shall be granted through these provisions except as provided for by this chapter.

B. Use Must Be Contained Within the Historic Structure: The adaptive reuse of a historically significant building must be confined to the building itself.

   a. Exception: The adaptive reuse may include exterior patios and decks, provided they are associated with the use, and the patios and decks do not detract from the historical character of the building.

C. Determination Of Historic Significance Required: Prior to any review for an adaptive reuse of the property, the property owner must demonstrate that the Structure is "historically significant". Determinations of historical significance shall be made by the Planning Commission, who must find that the Structure or Building meets at least one of the following definitions set forth in subsection D of this section.

D. Historically Significant Within Summit County Is Defined As:

   1. The Building or Structure is identified with important events of Summit County history, or exemplifies significant contributions to the broad cultural, economic or social history of Summit County;
   2. Is associated with the lives of historic personages important to Summit County history; or
   3. Embodies the distinctive characteristics of a style, type, period, or method of construction; or represents a notable work of a master designer, builder, or architect whose individual genius broadly influenced Summit County.

E. Additional Uses Allowed: In addition to the allowed, conditional and low impact uses designated in the underlying zoning district, the following uses may be approved as a conditional use in a historically significant building in any zoning district:

   o Professional Office;
   o Restaurant; and
   o Retail Commercial Establishments.

Code Amendments
F. Qualifying Provisions: In order to qualify for conditional use review under section 11-4-7, "Conditional Use Permit", of this title, the applicant must first demonstrate compliance with all of the following to the planning commission:

1. The building is designated as historically significant by the Planning Commission. The designation process must be completed prior to the County accepting a Conditional Use Permit application for the Structure unless the Community Development Director determines that it is in the best interest of the County to process the designation and Conditional Use Permit applications together.

2. The adaptive reuse will require minimal physical change to the Building as these features are important in defining the overall historic character of the Building and environment.

3. The adaptive reuse is contained entirely within the historically significant structure, unless specifically excepted in Section 11-6-21 B.a of this Chapter.

4. If applicable, significant archaeological resources affected by the project shall be protected and preserved. If such resources, for the adaptive reuse, must be disturbed, mitigation measures may be undertaken and approved by the Community Development Director. Disturbances to archaeological resources shall be kept to a minimum.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the property shall be preserved.

6. The adaptive reuse will not have a material net cumulative adverse impact on the neighborhood or the county due to:

   a) Traffic;
   b) Parking;
   c) Signs;
   d) Lighting;
   e) Removal of landscaping; and
   f) Noise, fumes or odors.

G. Deed Or Restrictive Use Covenant Required: As a condition of the Adaptive Reuse of a Historically Significant Structure Conditional Use Permit, the property owner shall record a deed or restrictive use covenant to benefit the County, which protects the historical structure from demolition and changes contrary to the intent of the preservation of historical structures provision herein.
The public hearing was opened for comment.

Hearing no comment, the public hearing was closed.

Council Member Carson made a motion to adopt Ordinance 894, Amending the Eastern Summit County Development Code to Create Section 11-6-21, Preservation of Historic Structures and Section 10-3-16, Chart of Allowed and Permitted Uses as presented. Council Member Wright seconded the motion with all voting in favor, 5-0.

Public hearing and possible adoption of Ordinance No. 895, an Ordinance Amending the Eastern Summit County Development Code Section 11-6: General Regulations; Ray Milliner

Mr. Milliner then reviewed the following staff report for amending the Eastern Summit County Development Code General Regulations. He recommended a public hearing be conducted and adoption of the amendments by ordinance including finding of facts and conclusions of law.
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

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.

Code Amendments
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 895

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,
aricultural 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 _13_ day of _March_, 2019.

ATTEST:

Kent Jones
Summit County Clerk

SUMMIT COUNTY COUNCIL

Roger Armstrong, Chair

VOTING OF COUNTY COUNCIL:

Councilmember Carson  _aye_
Councilmember Robinson  _aye_
Councilmember Wright  _aye_
Councilmember Armstrong  _aye_
Councilmember Clyde  _aye_

APPROVED AS TO FORM

David L. Thomas
Chief Civil Deputy

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, a 15 watt compact fluorescent bulb or LED equivalent) 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 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. **Light Trespass Standard.**

All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source. Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer’s instructions, to turn off when detected motion ceases.

G. **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.

H. **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.

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

Code Amendments
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.
Some language changes were added for approval.

The public hearing was opened for comment.

Hearing no comment, the public hearing was closed.

Council Member Clyde made a motion to approve Ordinance 895, an Ordinance Amending the Eastern Summit County Development Code Section 11-6 as recommended by staff with finding of facts and conclusions of law presented including changes discussed. Council Member Robinson seconded with all voting in favor, 5-0.

Public hearing and possible adoption of Ordinance No. 896, an Ordinance Amending the Snyderville Basin Development Code Section 10-4-21: Lighting Regulations; Ray Milliner

Mr. Milliner then reviewed the following staff report regarding proposed amendments to the Snyderville Basin Development Code lighting regulations and asked that a public hearing be conducted and consideration of approval by ordinance per the findings of fact and conclusions of law presented.
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

RECOMMENDATION: Staff recommends that the Summit County Council review the proposed language to amend Chapter 10-4-21: Lighting Regulations in the Snyderville Basin Development Code conduct a public hearing and approve the attached ordinance per the findings of fact and conclusions of law in this staff report.

Proposal

The purpose of the amendments is to bring the lighting regulations in Chapter 10-4-21 of the Development Code up to date with current best practices.

Background

Recently, staff has been directed by both the Summit County Council and the Snyderville Basin Planning Commission to draft an extensive rewrite of the Snyderville Basin Development Code Lighting Regulations. Because of changes in lighting technology, many of the base requirements in the current lighting ordinance are out of date. For example, the ordinance requires that all outdoor lighting be high pressure sodium fixtures because of their efficiency. However, recent advances in technology have created other light sources, such as LED lighting, that are just as efficient as or more efficient than the high pressure sodium fixtures mandated by the Code.

To create the 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 guidance for the creation of the ordinance.
On February 12, 2019 the Snyderville Basin Planning Commission forwarded the attached language to the County Council with a positive recommendation. The Commission had reviewed the ordinance at 3 previous work sessions and conducted 2 public hearings.

**March 6, 2019 Work Session**

On March 6, 2019 the County Council reviewed the proposed ordinance and provided direction. The Council raised 3 main concerns and directed staff to research a way to resolve them.

1. Is there a way to regulate lumen output from large windows of homes? Staff was directed to research the possibility of requiring treated windows in homes and commercial buildings.
2. Provide the Council with examples of properties that would and would not be in compliance with this ordinance.
3. On commercial properties, clarify language stating that a property is allowed 100,000 lumen output per acre. Staff inserted the following language into the document.

   "Allowed lumen output shall correspond with the size of the Parcel, for example a Parcel that is .75 acres shall have a maximum output of 75,000 lumens, or a parcel that is 1.5 acres shall have a maximum output of 150,000 lumens."

Staff will have information on the windows, and compliant/noncompliant properties at the March 13, 2019 public hearing.

**Ordinance Highlights**

1. All exterior outdoor lighting all zones in the Snyderville Basin are required to conform to the lighting requirements. The current lighting regulations apply only to commercial establishments.
2. The Planning Commission included language for the amortization of all non-conforming lighting fixtures in the Basin. It would require lighting to be brought into compliance within 5 years of the approval of the ordinance, during remodels or when old fixtures are broken and need to be replaced.
3. Establishes language requiring all lighting to be “full cutoff” which means 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.
4. Establishes exemptions for certain lighting fixtures such as holiday lighting and temporary emergency lighting.
5. Prohibits floodlights, architectural lighting, up lighting, neon, blinking and flashing lights etc.
6. Establishes regulations requiring that the maximum correlated color temperature for Outdoor Light Fixtures not exceed 3000 degrees kelvin (color temperature measures the color of the light. It is measured in degrees of kelvin on a scale from 1,000 to 10,000).
7. Establishes requirements for the maximum amount of lumens allowed per light fixture as well as per property (lumens measure the brightness of the light source).
8. The Planning Commission proposed language requiring that parking lots of greater than 1 acre have motion sensors and dimmable fixtures. This would enable allow people to light only the areas of the lot that are in use.
9. Requirements proposed for athletic facilities limit the height of poles to 18 feet, with an exception that the Planning Commission review requests for greater height.

Recommendation

Staff recommends that the Summit County Council review the proposed language to amend Chapter 10-4-21: Lighting Regulations in the Snyderville Basin Development Code conduct a public hearing and approve the attached ordinance per the findings of fact and conclusions of law in this staff report.

Findings of Fact

1. The goal of Chapter 5 of the Snyderville Basin General Plan is update the lighting regulations to allow for the newest technologies that allow for the most efficient lighting.
2. Uncontrolled lighting can create unwanted glare.
3. Uncontrolled lighting can disrupt the normal behavior wildlife, including migration and mating habits.
4. Uncontrolled lighting can trespass onto adjoining properties.
5. Lighting fixtures that use inefficient technology, are poorly targeted, or operate at unnecessary times waste energy.
6. Uncontrolled night lighting diminishes and obscures views of the natural night sky.
7. 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 Summit County Council conducted a public hearing for this item on March 13, 2019.
10. 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 will not permit the use of land that is not consistent with the uses of properties nearby.
3. The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted.

Code Amendments
4. The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property.
5. The amendment will not grant special favors or circumstances solely for one property owner or developer.
6. The amendment will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change.

Exhibits

Exhibit A. Proposed Ordinance
SUMMIT COUNTY, UTAH
ORDINANCE 896

AN ORDINANCE AMENDING THE SNYDERVILLE BASIN
DEVELOPMENT CODE SECTION 10-4-21: LIGHTING 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 5 of the Snyderville Basin General Plan is to encourage community site design techniques that promote sustainable land use practices by updating the lighting regulations to allow for the newest technologies that allow for the most efficient lighting; and

WHEREAS, in furtherance of this goal, §10-1-1 of the Snyderville Basin Development Code provides that the Snyderville Basin General Plan was developed to was developed "to ensure that the resort and mountain character of the basin is to be embraced and protected, while suburban development patterns, which erode the unique character of the basin, is discouraged and, to the extent possible, prohibited." 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 Snyderville Basin Planning Commission held a public hearing on November 13, 2018 and January 22, 2019; and

60 North Main  P.O. Box 128  Coalville, UT 84017
Phone (435) 336-3118, 615-3118, 783-4351 x3118  Fax (435) 336-3046  rmilliner@summitcounty.org
WHEREAS, the Snyderville Basin Planning Commission recommended adoption of the amended sections of the Snyderville Basin Development Code on February 12, 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. **Snyderville Basin Development Code** The Snyderville Basin Development Code is amended as depicted in Exhibit A.

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

Enacted this _13_ day of _March_, 2019.

ATTEST:

[Signature]
Kent Jones
Summit County Clerk

SUMMIT COUNTY COUNCIL

[Signature]
Roger Armstrong, Chair

APPROVED AS TO FORM

[Signature]
David L. Thomas
Chief Civil Deputy

<table>
<thead>
<tr>
<th>VOTING OF COUNTY COUNCIL:</th>
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<tr>
<td>Councilmember Carson</td>
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<td>Councilmember Robinson</td>
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<td>Councilmember Wright</td>
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<td>Councilmember Armstrong</td>
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<td>Councilmember Clyde</td>
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Code Amendments
LIGHTING REGULATIONS:

A. Purpose

The purpose of this Section is to:

1. Balance the environmental and sustainability goals set forth in the Snyderville Basin General Plan with the need to provide safe lighting practices.
2. To minimize light pollution for the enjoyment of the Snyderville Basin’s residents and visitors.
3. To prevent the degradation of the nighttime visual environment by production of unsightly and dangerous glare;
4. To create lighting practices that promote the health and safety of the Snyderville Basin’s residents and visitors;
5. To prevent unnecessary waste of energy and resources in the production of excessive light or wasted light;
6. 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 and light trespass.

B. Applicability

All exterior outdoor lighting installed after the effective date of this Chapter in all zones in the Snyderville Basin shall conform to the requirements established by this Chapter.

1. This Chapter does not apply to indoor lighting.
2. Should this Chapter be found to be in conflict with other sections of this Code, or a Development Agreement, Settlement Agreement or other regulation, the more restrictive shall apply.

C. 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 13, 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.

Code Amendments
3. All outdoor lighting not previously scheduled for amortization or otherwise exempted shall be brought into conformance with this chapter within five (5) years from the effective date of this chapter.

D. Application and Review Procedures

Lighting Plans Required: All Development Permit applications or submittals that propose exterior outdoor lighting or street lighting shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources comply with this Section 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.
2. Illustrations, including but not limited to a manufacturer's catalog cuts, of all proposed lighting fixtures. For commercial, resort and industrial uses, photometric diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide sufficient information regarding the light fixture, lumens, degrees kelvin, and shielding mechanisms for the Planning Commission or Community Development Director to be able to determine compliance with the provisions of this Chapter.
3. A table showing the total number of proposed exterior lights, by fixture type, degrees kelvin, lumens, and lamp type.

E. 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 a 15 watt compact fluorescent bulb or LED equivalent) 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.

F. Light Trespass Standard.

All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source. Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases.

G. Ridgeline Development.

In certain cases (such as, but not limited to, steep topography, significant changes in grade, Development in The Ridgeline Overlay Zone District, or Development affecting identified ridgelines), additional shielding may be required to mitigate glare or light trespass. The need for additional shielding will be considered as part of the review process described in section 10-4-3 of this Chapter.

H. Exemptions.

The following shall be exempt from the requirements and review standards of this Chapter:

1. Holiday lighting. Winter holiday lighting which is temporary in nature and which is illuminated only between and including November 15 and March 1 shall be exempt from the provisions of this Chapter, provided that such lighting does not create dangerous glare on adjacent streets or properties, is maintained and does not constitute a public hazard.
2. Traffic control signals and devices.
3. Temporary emergency lighting in use by law enforcement or government agencies or at their direction.
4. The lighting of federal or state flags, provided that the light is a narrow beam aimed and shielded to illuminate only the flag. Flag lighting should use appropriate illumination levels to light the flag, while at the same time fulfilling the purposes of this Chapter.
5. Low voltage LED lights and solar lights used to illuminate pathways in residential areas, provided the lights are installed no more than eighteen inches (18") above the adjacent ground level and are downward directed.

I. Prohibited Lighting

The following types of lights are prohibited:

1. Floodlights or spotlights affixed to buildings 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 or structure.
3. Landscape lighting intended to accent or draw attention to landscape elements of the property.

Code Amendments
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.
7. Neon or luminous tube lighting except as permitted in Section 10-8-2 of this Chapter.
8. Window display lighting between the hours of 10 p.m. and 7 a.m.

J. Color Temperature

The maximum correlated color temperature for Outdoor Light Fixtures is as follows (Color temperature is a way to describe the light appearance provided by a light fixture. It is measured in degrees of kelvin on a scale from 1,000 to 10,000):

1. All lighting shall make use of lamps whose correlated color temperature does not exceed 3,000 degrees kelvin.
2. The correlated color temperature of lighting may exceed 3,000 degrees kelvin in situations where the Community Development Director determines that accurate color rendition is crucial to public safety or the activities of law enforcement. In no case shall the correlated color temperature of such critical lighting exceed 5,000 degrees kelvin.

K. Lumens per Fixture

The maximum lumens allowed for Outdoor Light Fixtures are as follows (The acceptability of a particular light is decided by its Lumen output, not wattage; check manufacturer’s specifications):

1. For single-family residential Uses, fixtures up to 2,000 Lumens output per lamp.
2. For commercial, industrial, Resort and Multi-Family Uses, fixtures up to 2,500 lumens output per lamp.
3. Total Outdoor Light Output: total outdoor light output, excluding streetlights used to illuminate public Rights-of-Way, shall not exceed the following limits averaged over the entire project (values listed are total initial lamp Lumens per Acre and per residence):
4. For Single-Family Detached Dwellings and Duplexes the maximum outdoor light output shall not exceed 20,000 lumens per residence.
5. For commercial, industrial and multi-family Dwelling Units the maximum outdoor light output shall not exceed 100,000 lumens per acre. Allowed lumen output shall correspond with the size of the Parcel, for example a Parcel that is .75 acres shall have a maximum output of 75,000 lumens, or a parcel that is 1.5 acres shall have a maximum output of 150,000 lumens.
6. Mounting Height: total outdoor light output shall not exceed the following limits when mounted at the heights prescribed below:

<table>
<thead>
<tr>
<th>Mounting Height (Feet)</th>
<th>Maximum Lumens Allowed</th>
</tr>
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<tbody>
<tr>
<td>6</td>
<td>1,000</td>
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<tr>
<td>8</td>
<td>1,600</td>
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<tr>
<td>10</td>
<td>2,000</td>
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<tr>
<td>12 or above</td>
<td>2,500</td>
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</table>

Code Amendments
I. Specific Requirements for Lighting Applications and Fixtures:

These fixtures shall be located at the necessary distance from property boundary in order to ensure light does not trespass onto adjacent properties. The Applicant shall demonstrate appropriate placement on the required lighting plan.

1. Wall Mounted Area Lighting:

All wall mounted or building mounted fixtures shall not exceed twelve feet (12') above Finished Grade, measured directly below the light fixture. In cases where there is second Story access directly from the outdoors, a single fixture may be placed above or adjacent to the access.

2. Parking Lot Lighting:

1. Pole top mounted fixtures shall not be mounted more than sixteen feet (16') above Finished Grade, as measured to the top of the fixture or a horizontal plane being lit by the fixture.
2. All parking lot lighting shall use full cutoff fixtures.
3. All pole top mounted parking lot lights shall be set back from property lines a distance equal to two and one-half (2 ½) times the height of the pole.
4. Pole mounted fixtures shall be limited to two light sources per pole.
5. Spot or flood lighting of parking lots from a building or other structure is prohibited.
6. On parking lots greater than one (1) acre in size, programmable full cut off fixtures shall be used. These fixtures shall be dimmable and paired with motion sensors that are incorporated into the lighting system.

3. Walkway/Pathway Lighting:

1. All pathway pole top symmetric distribution fixtures shall not be mounted more than ten feet (10') above Finished Grade directly below the fixture, as measured to the top of the fixture.

4. Roadway Lighting:

1. Streetlights are prohibited unless required by the Summit County Public Works Director or required by UDOT to ensure the safety of the public. All streetlights shall utilize lamp types that are energy efficient and minimize sky glow and other unintended impacts of artificial lighting and feature the lowest illumination design that meets the minimum illumination requirements set by UDOT shall be used.

5. Gas Station Canopies:

1. Lighting levels on gasoline station canopies shall be to illuminate the activities taking place under the canopy, not to attract attention to the business.
2. Gas station canopies may be illuminated provided all light fixtures are mounted on the undersurface of the canopy and all light fixtures are full cutoff. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture or the edge of the canopy.

Code Amendments
3. The undersurface of the canopy shall be nonreflective (built or painted with low reflectivity colors or materials).

6. Soffit Lighting:

1. For Detached Single-Family Dwellings if lighting an area with fixtures mounted in the soffit of a building, the fixture cannot be mounted above twelve feet (12'), as measured from the fixture to Finished Grade.
2. For commercial, industrial and Multi-Family Dwellings, if lighting an area with fixtures mounted in the soffit of a building, the fixture cannot be mounted above twenty feet (20'), as measured from the fixture to Finished Grade.
3. Light fixtures mounted on soffits shall be recessed so that the lens cover is recessed or flush with the bottom surface of the soffit and/or shielded by the fixture or the edge of the soffit.

7. Lighting for commercial outdoor Recreation and athletic facilities:

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 should 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, tennis courts and ski area runs 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 Snyderville Basin 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.

8. Lighting for Private Outdoor Recreation and Athletic Facilities:

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. The light source for the recreational light will not be visible from adjacent properties.
4. Pole mounted recreational lighting shall be limited to eighteen feet (18') in height.
5. Pole mounted recreational lighting must be set back a minimum of sixty feet (60') from adjacent properties.
6. Lighting for sports fields should be shut off no later than eleven o'clock (11:00) P.M.

Code Amendments
7. The lighting for nonfield and noncourt areas shall conform to all provisions of this Chapter.

9. Towers:

1. All monopole, antenna, tower or support facility lighting not required by the Federal Aviation Administration (FAA) or the Federal Communication Commission (FCC) is prohibited.

2. When lighting is required by the FAA or the FCC, such lighting shall not exceed the minimum requirements of those agencies. Collision markers should have a dual mode for day and night to minimize impact to the night sky and migrating birds.

3. All other lighting used on the property not regulated by the FAA or FCC shall conform to this Chapter.
A. Purpose: The purpose of this section is to regulate the use of outdoor artificial illuminating devices emitting undesirable light rays into the night sky, or onto private properties which have a detrimental effect on the rural mountain environment. Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants, while requiring adequate levels of lighting of parking areas.

B. Conformance Required: All outdoor artificial illuminating devices shall be installed in conformance with these regulations.

C. Approved Materials And Methods Of Installation: The standards provided herein are intended to prevent the use of any materials or method of installation not specifically prescribed hereunder. Alternatives will be considered by the director, who may approve such alternatives if they are found to generally comply with the intent of the regulations herein.

1. High pressure sodium is the lamp source that will be utilized throughout the Snyderville Basin for all roadway, pathway, area and building facade illumination. Sport facility lighting is the only application where a metal-halide lamp source may be used, subject to the limitations herein.

2. Any materials or methods of installation not specifically prescribed herein will be evaluated by the director, as permitted above, for approval. Approval shall be based on providing equivalence to the applicable standards herein and otherwise complying with the intent of these regulations.

3. No floodlighting shall be permitted.

D. Nonconforming Lighting Schemes:

1. Any development permit that invokes an amendment to an approved SPA plan, a significant change to an approved site plan, or a certificate of occupancy shall specify and require that any nonconforming area lighting located within the boundaries of the development site authorized in the original permit shall be brought into conformance with these regulations.

2. Nonconforming area lighting may be maintained. However, any change to fixtures and poles, beyond simple replacement of expired parts, shall require that the lighting be brought into conformance with the provisions of these regulations.

E. Violation And Enforcement: It shall be unlawful to install or operate an outdoor light fixture in violation of these regulations. Enforcement of any violation of these regulations shall be pursuant to the provisions of this title.

Code Amendments
F. Specific Requirements For Lighting Applications And Fixtures:

1. Area Lighting: The following shall apply to area lighting applications such as, but not limited to, parking lots:

   a. Wall-Mounted Area Lighting:

      (1) All wall-mounted or building mounted fixtures shall not be mounted above twelve feet (12'), as measured from grade directly below the light fixture to the top of the fixture or a horizontal plane being lit by the fixture. The exception shall be those instances where there is second-story access directly from the outdoors.

      (2) The fixture shall house a high-pressure sodium lamp that shall not exceed one hundred fifty (150) watts.

      (3) The fixture shall be a "full-cutoff" variety, where no more than ten percent (10%) of the total lumen output of the fixture will come out at ninety degrees (90°) above the horizontal plane of the fixture from nadir.

      (4) The fixture must shield the lamp in such a way that there will be total cutoff when viewed from sixty feet (60') or more from the light source.

      (5) All light must be directed downward. The washing of the side of the building shall be minimized to the maximum extent possible.

      (6) Timers and motion sensor devices shall be used wherever practical to minimize light pollution within the Snyderville Basin.

   b. Pole-Top Area Symmetrical Lighting:

      (1) Pole-top mounted symmetrical distribution fixtures shall not be mounted more than sixteen feet (16') above ground, as measured to the top of the fixture or a horizontal plane being lit by the fixture. More fixtures mounted at lower heights are preferred to fewer fixtures mounted high in the air.

      (2) The fixture shall house a high-pressure sodium lamp, with no more than four hundred (400) watts per pole.

      (3) These fixtures shall be used in interior parking/site installations only, and a full cutoff variety shall be used. No more than ten percent (10%) of the total lumen output of the fixture will come out at ninety degrees (90°) above the horizontal plane of the fixture from nadir.

      (4) The fixtures shall be appropriately spaced so that the foot-candles produced on the ground shall not exceed the following:

         Average foot-candies = 2.15 to 3

         Maximum foot-candies = 9 or less

Code Amendments
Minimum foot-candles = 1.15 or more

Maximum/minimum foot-candles = 7.85 or less

(5) These fixtures shall shield the lamp in such a way that there will be total cutoff when viewed from seventy feet (70') or more from the light source.

(6) Timers and motion-sensor devices shall be used wherever practical to minimize light pollution within the Snyderville Basin.

e. Pole Top Area Asymmetrical Lighting:

(1) Pole top mounted asymmetrical distribution fixtures shall not be mounted more than sixteen feet (16') above grade, as measured to the top of the fixture or a horizontal plane being lit by the fixture.

(2) The fixture shall house a high-pressure sodium lamp, with no more than four hundred (400) watts per pole.

(3) These fixtures shall be used in interior parking/site installations only, and a full cutoff variety shall be used. No more than ten percent (10%) of the total lumen output of the fixture will come out at ninety degrees (90°) above the horizontal plane of the fixture from nadir.

(4) The fixtures shall be appropriately spaced so that the foot-candles produced on the ground shall not exceed the following:

- Average foot-candles = 2.15 to 3
- Maximum foot-candles = 9 or less
- Minimum foot-candles = 1.15 or more
- Maximum/minimum foot-candles = 7.85 or less

(5) These fixtures shall shield the lamp in such a way that there will be total cutoff when viewed from seventy feet (70') or more from the light source.

d. Area Lighting; Maximum Levels:

(1) The maximum point shall not exceed fifteen (15) foot-candles within the circulation area being lit.

(2) The average light level shall not exceed four (4) foot-candles within the circulation area being lit.

(3) No more than one foot-candle will be allowed outside of twenty feet (20') beyond the circulation area being lit.

(4) No more than 0.01 foot-candle shall be allowed to spill beyond the property line of the property within which the area lighting is provided.

e. Walkway/Pathway Symmetrical Lighting:

Code Amendments
(1) All pathway pole top symmetric distribution fixtures shall not be mounted more than ten feet (10') above-grade directly below the fixture, as measured to the top of the fixture or a horizontal plane being lit by the fixture.

(2) The fixture shall house a high-pressure sodium lamp, not to exceed one hundred fifty (150) watts per pole. These fixtures can be used down a pathway, at an intersection of the pathway, or at the termination of a pathway. A full cutoff variety shall be used. No more than ten percent (10%) of the total lumen output of the fixture shall be emitted at ninety degrees (90°) above the horizontal plane of the fixture from nadir.

(3) The fixtures shall be appropriately spaced so that the foot-candles produced on the ground shall not exceed the following:

- Average foot-candles = 1.35 to 2
- Maximum foot-candles = 5 or less
- Minimum foot-candles = 0.55 or more
- Maximum/minimum foot-candles = 8.5 or less

(4) These fixtures shall shield the lamp in such a way that there will be total cutoff when viewed from seventy feet (70') or more from the light source.

f. Walkway/Pathway Asymmetrical Lighting:

(1) All pathway pole top asymmetric distribution fixtures shall not be mounted more than ten feet (10') above-grade directly below the fixture, as measured to the top of the fixture or a horizontal plane being lit by the fixture.

(2) The fixture shall house a high-pressure sodium lamp, not to exceed more than one hundred (100) watts per pole. These fixtures can be used down a pathway, at an intersection of the pathway, or at the termination of a pathway. A full cutoff variety shall be used. No more than ten percent (10%) of the total lumen output of the fixture will come out at ninety degrees (90°) above the horizontal plane of the fixture from nadir.

(3) The fixture should have a die-cast aluminum housing, and shall be a type III distribution pattern.

(4) These fixtures shall be located an appropriate distance from property boundary in order to ensure light does not inappropriately spill onto adjacent properties. The applicant shall provide a lighting plan to ensure appropriate placement.

(5) The fixtures shall be appropriately spaced so that the foot-candles produced on the ground shall not exceed the following:

- Average foot-candles = 2
- Maximum foot-candles = 10 or less
- Maximum foot-candles outside of 20 feet of the area being lit = 1 or less

Code Amendments
Maximum foot-candles beyond the property line = 0.05 or less; 0.01 or less when the adjacent property is residential.

(6) These fixtures shall shield the lamp in such a way as so there will be total cutoff when viewed from fifty feet (50') or more from the light source.

g. Walkway Lighting: Maximum Levels:

(1) The maximum point shall not exceed ten (10) foot-candles within the circulation area being lit.

(2) The average light level shall not exceed two (2) foot-candles within the circulation area being lit.

(3) No more than one foot-candle will be allowed outside of twenty feet (20') beyond the circulation area being lit.

(4) No more than 0.05 foot-candle shall be allowed to spill beyond the property line of the property within which the area lighting is provided, or no more than 0.01 foot-candle when the adjacent property is residential.

h. Roadway Lighting:

(1) Roadway pole fixtures shall not exceed twenty-five feet (25') in height.

(2) The fixture should house a high pressure sodium lamp, not to exceed one hundred fifty (150) watts per pole. A full cutoff variety shall be used. No more than ten percent (10%) of the total lumen output of the fixture shall be omitted ninety degrees (90°) above the horizontal plane of the fixture from nadir.

(3) The fixture should have photometrics so that when used on a fifty foot (50') wide road, and placed on opposing one hundred foot (100') spacings, mounted on a twenty five foot (25') pole with a type III distribution, and one hundred fifty (150) watt high pressure sodium lamp, the following foot-candles should be produced on the roadway:

Average foot-candles = 1.23 or more

Maintained minimum = 0.16 or more

Maximum/minimum uniformity = 30 or less

(4) At forty feet (40') away from the pole, the roadway should not have less than 0.1 horizontal foot-candle minimum maintained at any point on the road, and one vertical foot-candle as measured from ground level to six feet (6') above grade in the middle of the road.

(5) The fixture should have die-cast aluminum housing, and shall be a type II, III or IV distribution pattern.

(6) Decorative roadway pole mounted fixtures:

(A) Shall not be mounted above fourteen feet (14') above grade.
(B) Shall house a high-pressure sodium lamp, with no more than one hundred fifty (150) watts per pole.

(C) Decorative roadway application fixtures shall utilize highly refractive globes, which have a minimum of eighty-five (85) horizontal and three hundred forty-five (345) vertical prisms, to evenly direct the light and evenly diffuse the light source. The fixture should have the ability to have internal light-directing reflectors which can be field installed after fixture installation to accommodate customization of the lighting output and/or to redirect unwanted light to the traffic area.

(D) The fixture should have photometrics so that when used on a forty foot (40') wide road, and placed on opposing one hundred twenty-five foot (125') spacings, mounted on a fourteen foot (14') pole with a type III distribution, and one hundred fifty (150) watt high-pressure sodium lamp, the following foot-candles should be produced on the roadway:

Average foot-candles = 1 or more

Maintained minimum = 0.4 or more

Maximum/minimum uniformity = 4.45 or less

(E) The roadway should not have less than 0.1 horizontal foot-candle minimum maintained at any point on the road, and 1.5 vertical foot-candle as measured from ground-level to six feet (6') above grade at forty feet (40') away from the pole in the middle of the road.

i. Building Canopy/Soffit Lighting:

(1) If lighting an area with fixtures mounted on a canopy, or off of a soffit of a building, the fixture cannot be mounted above twenty feet (20'), as measured from the top of the fixture to the adjacent grade or the horizontal plane being lit by the fixture. Such lighting shall be minimized to the extent possible.

(2) The fixture should house a high-pressure sodium lamp, of no more than one hundred fifty (150) watts.

(3) The fixtures must be a cutoff variety, whereas no more than ten percent (10%) of the total lumen output of the fixture will come out at ninety degrees (90°) above the horizontal plane of the fixture from nadir.

(4) Canopy/soffit-mounted fixtures should be mounted a minimum distance of seventy feet (70') from the circulation area, or other critical light cutoff boundaries.

(5) The fixture must shield the lamp in such a way so that if a person is standing seventy feet (70') away from the fixture, there will be total visual cutoff of the lamp.

(6) The maximum point should not exceed twenty (20) foot-candles within the circulation area being lit.

(7) The average light level should not exceed ten (10) foot-candles within the circulation area being lit.

(8) No more than one foot-candle will be allowed outside of twenty feet (20') around the circulation area being lit.

(9) No more than 0.05 foot-candle will be allowed outside the property lines of the property being lit.

Code Amendments
(10) No more than 0.01 foot-candle should be allowed to spill on any residential property as a result of another party lighting their own property.

(11) The only exception to above maximums would be in the case of a gas station canopy, whereas the maximum point should not exceed sixty (60) foot-candles, and the average light level should not exceed thirty (30) foot-candles within the boundaries of underneath the canopy. All other restrictions apply.

j. Sports Lighting Applications:

(1) Sports lighting fixtures should not be mounted above seventy feet (70'), as measured from the top of the fixture to the adjacent grade or the horizontal plane being lit by the fixture.

(2) The fixture should house a lamp that should not exceed one thousand five hundred (1,500) watts.

(3) The fixture should be an IES cutoff variety, whereas when aimed at a point that is at a distance of two (2) times their mounted height, the candlepower per one thousand (1,000) lamp lumens does not numerically exceed twenty five (25) (2.5 percent) at an angle of ninety degrees (90°) above nadir (horizontal), and one hundred (100) (10 percent) at a vertical angle of eighty degrees (80°) above nadir. This applies to any lateral angle around the luminaire. The fixture should have a redirecting reflector which reflects high angle rays back into the beam achieving high beam utilization. It should be made of die-cast aluminum, and the lamp should be able to be changed without removal or dismantling of the fixture lens. The ballast should be totally encapsulated in a solid-polyester resin compound.

(4) Lighting for sports fields should be shut off no later than eleven o'clock (11:00) P.M.

(5) Specific application of sport lighting may be modified by the director.

k. Building Facade Lighting: Any proposal for building facade lighting must be approved by the director. As a general rule it will not be allowed. It may be considered if the following apply:

(1) The building surface being lit is not in the line of sight of any residential living unit.

(2) The average vertical foot-candles on the surface being lit does not exceed the average horizontal foot-candles of the adjoining circulation areas by more than three (3) times, and the maximum point does not exceed twenty (20) foot-candles.

(3) The facade lighting shall be turned off by ten o'clock (10:00) P.M. each night, and not turned on until dusk the following day.

I. Applications:

(1) Any person applying for a building or electrical permit to install outdoor lighting fixtures shall as part of said application submit evidence that the proposed work will comply with this section.

(2) The application shall contain, but not be limited to, the following:

(A) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamp supports, and other devices. This description may include, but is not limited to, manufacturers'
specifications and drawings, including sections where required.

(B) Description of the illuminating devices, fixtures, lamp supports, and other devices. This description may include, but is not limited to, manufacturers' specifications and drawings, including sections where required.

(C) Photometry data such as that furnished by manufacturers, or similar, showing the angle of cutoff of light emissions for the proposed luminaire.

(D) Computer-generated point-to-point calculation on a scaled site plan indicating conformance with this section.

(E) Such other information as the community development director may determine is necessary to ensure compliance with this section.

m. Exemptions:

(1) Lighting necessary for construction or emergencies is exempt from the provisions herein, provided said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.

(2) Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility type fossil fuels is exempt.
Lumen Example

1800 Lumens

700 Lumens

165 Lumens

Color Temperature Example (degrees Kelvin)

WARM

COOL

DAY

WHITE
No cut off to full cut off

<table>
<thead>
<tr>
<th>very bad</th>
<th>bad</th>
<th>better</th>
<th>best</th>
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</thead>
</table>

Full Cut Off Fixtures

Non-Full Cut Off Fixtures

Examples of good and bad fixtures

From International Dark Sky Association

Code Amendments
Landscape Lighting

Architectural Lighting

Code Amendments
Some language was added and changes made by staff for final approval.

The public hearing was opened for comment.

Hearing no other comment, the public hearing was closed.

**Council Member Robinson made a motion to approve Ordinance 896, an Ordinance Amending the Snyderville Basin Development Code Section 10-4-21: Lighting Regulations as presented, with finding of facts and conclusions of law, including changes as discussed. Council Member Wright seconded the motion with all voting in favor, 5-0.**

The meeting adjourned at 6:47 p.m.

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Roger Armstrong, Chair

Kent Jones, Clerk