

1
2 **MINUTES OF THE**
3 **WASATCH COUNTY COUNCIL**
4 **APRIL 19, 2023**
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7 The Wasatch County Council met in regular session live and by Zoom at 4:00 p.m. The
8 following business was transacted.

9 **PRESENT:** Chair Spencer Park
10 Mark Nelson
11 Erik Rowland
12 Steve Farrell
13 Kendall Crittenden
14 Luke Searle
15 Karl McMillan

16 **STAFF:** Dustin Grabau, the Wasatch County Manager
17 Heber Lefgren, the Assistant Wasatch County Manager
18 Jon Woodard, the Assistant Wasatch County Attorney
19 Wendy McKnight, from the Clerk's Office
20 Rick Tatton, Court Reporter via Zoom
21 Mike Davis, the MIDA Coordinator
22 Natalie Foster, the Wasatch County Managers' Secretary
23 Doug Smith, the Wasatch County Planner
24 Austin Corry, the Assistant Wasatch County Planner
25 John Barentine, Consultant
Scott Sweat, the Wasatch County Attorney

PRAYER: Councilman Mark Nelson

PLEDGE OF ALLEGIANCE: Led by Councilman Erik Rowland and repeated by
everyone.

Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday April 19,

1 2023 and indicated that all the Wasatch County Council are present. The record should
2 also show that the Wasatch County Council is meeting in the Wasatch County Council
3 Room in the Wasatch County Administrative Building located at 25 North Main, Heber
4 City, Utah 84032. Chair Spencer Park then called the first agenda item.

5 **THE OPEN AND PUBLIC MEETING AFFIDAVIT**

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

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8 **LEGISLATIVE ISSUES FOR FUTURE MEETINGS**

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

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12 **ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS**

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

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16 **PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA**

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

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20 **APPROVAL OF THE MINUTES FOR MARCH 5, 2023**

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22 **Councilman Steve Farrell made a motion to approve the minutes for March**
23 **5, 2023 as written. Councilman Karl McMillan seconded the motion and the**

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1 **motion carries with the following vote:**

2 **AYE: Chair Spencer Park**

3 **AYE: Kendall Crittenden**4 **AYE: Luke Searle**

5 **AYE: Karl McMillan**

6 **AYE: Mark Nelson**

7 **AYE: Erik Rowland**

8 **AYE: Steve Farrell**

9 **NAY: None.**

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12 **DISCUSSION/CONSIDERATION CORE ARCHITECTURE, REPRESENTING**
13 **THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, IS**
14 **REQUESTING AN AMENDMENT TO WASATCH COUNTY CODE SECTION**
15 **16.21.16 AND SECTION 16.20 THAT WILL AFFECT HOW OUTDOOR**
16 **LIGHTING IS REGULATED IN THE COUNTY.**

17 DOUG SMITH: So two weeks ago on April 5th we had a meeting down at the Senior
18 Citizens Center and very well attended. There was a lot of public comment and
19 discussion. The item was continued to today and the motion was by Erik Rowland and
20 seconded by Steve Farrell and the items listed there is what the motion contained. It was
21 a method for measuring candelas, curfews, holiday lighting and whether or not to require
22 compliance on residential, enforcement and definition for up lighting and that motion was
23 unanimously approved. So what I did I provided the staff report. That staff report is the

1 basis of the power point presentation. I will go through with each one of those items in
2 order and tell you what we have done.
3 This is what we have come up for a method of measuring candelas. This was added to the
4 latest code in Section L3. So what we went forward with was using candelas as your
5 measurement for candelas per square foot and candelas per square meter. The way that
6 will be measured is with a nit gun and I will need a budget to get one. The nit gun to
7 measure the perpendicularly to the building and the brightest light reflection on the
8 building. So the line there is the perpendicular line there and you would want to have
9 three lines or three measurements up to 20 degrees different from that perpendicular
10 measurement. Then you would take the median of those three measurements. That is
11 what we have done to measure candelas. As we talked about this and John Barentine is
12 on line as well so if he has anything to add feel free to jump in.

13 COUNCILMAN KENDALL CRITTENDEN: You have got on their Doug that
14 the measurement taken not less than ten feet. We have been told that it wouldn't matter
15 how far it was and you would still get that same measurement. So getting that close
16 allows you to establish those angles better. Is that the reason for that?

17 DOUG SMITH: It is not less than ten feet so in reality it probably be better to be
18 a little further away so the angle if you are measuring higher than six feet the angle
19 wouldn't be as great if you are further away. As we thought about this and thought about
20 candelas or lumens. With lumens you would have to have light meter and have to be right
21 next to the source. So if there was soffit lighting or something like that you would have to
22 measure and somehow up to get up to whatever height that soffit light was.

23 COUNCILMAN KENDALL CRITTENDEN: To get straight up.

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1 DOUG SMITH: That is what we have done for the method for measuring
2 candelas and that was worked on by our attorney's office, myself and John Barentine.
3 The next item was curfews and there was some things that needed to be corrected in this.
4 So you can see what has been struck out and what has been added in red. So essentially
5 what we are saying is that all exterior lighting shall be extinguished one hour after sunset
6 and one hour after closing normal business hours or at the conclusion of reasonable
7 operations and may extinguish no earlier than one hour before sunrise. Businesses whose
8 normal operating hours are twenty-four hours a day are exempt from these provisions.
9 This clarified conditional uses which now says that conditional uses may require stricter
10 standards as determined by the land use authority.
11 Holiday lighting there were comments during the public hearing about holiday lighting.
12 And our code has never enforced holiday lighting on residential lighting. This would be
13 and unless the Council directed me to make this code applicable to residential this would
14 only be for commercial holiday lighting. So nothing has changed in that language that
15 was in the previous code. So it is just stating that for a period not to exceed sixty days
16 whether they are consecutive or non-consecutive in one calendar year. This would be
17 very difficult to enforce but it would be on a complaint basis. So again only commercial
18 and if we had a complaint that a commercial use was lighting more than they should then
19 we would have to enforce on that and start counting days. We could go with time frames
20 as well. Our attorney's office has mentioned that they are not as concerned about that as
21 it was initially stated.
22 So enforcing the code on residential. What I got out of the discussion and the motion was
23 that the Council wanted me to come up with pros and cons. So I have listed what I could

1 think of with starting with pros and it places limits on an important source of light
2 pollution if we enforce residential item. Can help defuse potential neighbor disputes by
3 articulating clear standards. Helps maintain the visual aesthetic of neighborhoods and
4 desirable nighttime ambience. With or without a provision requiring amortization of
5 existing non-conforming residential lighting, proper review of residential lighting plans
6 for new construction plus replacement of non-compliant fixtures at end of life in theory
7 will eventually bring all lighting into compliance. And lastly would bring the code closer
8 to compliance with IDA intent.

9 The cons of regulating residential lighting is public opposition to regulations affecting
10 private property. The public may ignore the regulations after enactment creating larger
11 numbers of enforcement actions, which takes planning staff, legal staff, court staff, and
12 enforcement officer resources. Amortization complications if amortization is proposed.
13 Residential lighting fixture swaps do not need building permits. Many residential light
14 fixtures are easily altered by the end user to defeat design elements like shielding. Most
15 off the shelf lighting fixtures do not meet full cutoff requirements. Invasiveness of
16 enforcement and entering private residential property to determine the compliance of
17 outdoor lighting. Added costs for fixtures, inspections, enforcement.

18 The other thing that I was directed to look into was enforcement. So if someone
19 commercial use violated the code and there were brighter lights or something that was not
20 in compliant with our code. The first thing we would do is contact them through written
21 notice by certified letter would go to the business owner and they would have a certain
22 time to come into compliance. If they don't come into compliance then we have a second
23 threatening letter and if they still don't come into compliance it would be sent to our

1 attorney's office. There could be civil fines, correction agreements, abatement by the
2 County and could be civil enforcement.

3 COUNCILMAN MARK NELSON: Doug just to be clear, this the existing enforcement
4 code.

5 DOUG SMITH: It is yes. So there are three sections there, 16.01.09, 16.01.14 and
6 16.01.15 they are fully related to code enforcement. In addition that we would typically
7 have a development agreement with a large project and the development agreements also
8 have another level of enforcement on top of that. If it is a conditional use then we have
9 enforcement provisions in the conditional use section of the code which include bringing
10 it back to the Planning Commission for review again. If there was something that was
11 misleading on the presentation then we would review that at that time.

12 There is also a definition for up lighting added to the definition section of the proposed
13 code. It states that up lighting is lighting designed and installed in such a manner as to
14 directly cast its light at any angle or toward any direction of the local horizontal plane.

15 At our last meeting I didn't go through the findings and conditions because I didn't think
16 that there was going to be any motion that night or I assumed there wouldn't be. I put
17 these in the power point and these are findings if the Council wants to approve the
18 proposal. If you don't want to approve the proposal a number of these findings would still
19 apply, but you would have to find additional findings for denial. Let me go through
20 these. There are twenty-one of them so bear with me.

21 1. The existing lighting code has been in place, in a somewhat similar form since
22 2003 with several amendments throughout the years.

23 2. The current code requires a full 90 degree cutoff directed down and the primary
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1 application has mostly been used to regulate street lighting.

2 3. Attached residential lighting and non-residential building lighting has not been
3 strictly enforced with the code.

4 4. Application to amend the code was made by the LDS Church. As part of that
5 application the LDS Church submitted a proposed lighting code. The version of the code
6 proposed by the LDS Church allowed for building up lighting.

7 5. The County is proposing a version of the code that is more comprehensive than
8 the LDS Church proposed code and the existing code and allows for regulated up
9 lighting.

10 6. The existing code allow s any amount of light on a site or building without
11 limits as long as it is directed down.

12 7. The proposed code places a cap on the total site lighting.

13 8. The proposed code does not count, as part of the cap, the minimum amount of
14 lighting required by the IBC, FAA and minimum safety lighting for parking lots as
15 regulated using the recommended standards of the IES.

16 9. The code proposed to use the IES (Illuminating Engineering Society)
17 recommended standards as the requirements for lighting of areas like the parking lot and
18 other pathways not regulated by the IBC. The IES is a nationally recognized organization
19 in lighting standards.

20 10. The proposed code takes advantage of new technology and best management
21 practices that allows for LED lighting, dimmers, photo cells, timers, motion sensors,
22 directional cutoff and kelvin adjustability.

23 11. The code is for the entire County and if approved will be used in areas that are

1 proposing institutional uses, multi-story hotels, retail, office areas and other
2 developments.

3 12. The General Plan requires the county to: Preserve the views of the night sky
4 and reduce the health, impacts of artificial light by requiring all development to have dark
5 sky compliant lighting Policy 1.1.7.

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

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

16 15. The proposed code brings the County closer to compliance with the best
17 management practices BMP's as required of municipalities by the International Dark Sky
18 Association requirements for accreditation as International Dark Sky Communities.

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

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

1 for conditional uses.

2 7. Adopt the proposed holiday lighting, which only regulates non-residential
3 properties.

4 8. Determination on enforcement on residential lighting.

5 9. Determination of the enforcement provisions outlined above, including
6 16.01.09, 16.01.14, conditional use section of the code and development agreement is
7 sufficient.

8 10. Approve the provided definitions for up lights.

9 11. Approve the provided method for measuring candelas.

10 Does that make sense?

11 CHAIR SPENCER PARK: Are there any members of the committee that
12 worked on this have any comments or thoughts.

13 COUNCILMAN KENDALL CRITTENDEN: I assume what Doug Smith
14 is proposing perhaps go through those and decide where we want to land on each of
15 those.

16 COUNCILMAN STEVE FARRELL: Can I ask first. We deviated some
17 from John's report and the committee or the staff explain why we deviated from them
18 and your recommendation why we did that.

19 COUNCILMAN MARK NELSON: I can do that if you would like. I
20 think the biggest one or one of the biggest ones was should we consider residential
21 lighting or not. I think that we decided that residential lighting should be considered
22 separately.

23 COUNCILMAN STEVE FARRELL: I agree with that.

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1 COUNCILMAN MARK NELSON: That was one of them. Regarding the
2 first one of Kelvin levels, you know I don't think that we discussed the 3000 versus 3500
3 at great length recently but my suggestion is that we keep the way it is proposed which is
4 at 3000.

5 COUNCILMAN STEVE FARRELL: I think John's proposed was 2700.

6 COUNCILMAN MARK NELSON: It was.

7 COUNCILMAN STEVE FARRELL: It is a fine line between 2700 and
8 3500. A fixture can make that much difference.

9 COUNCILMAN MARK NELSON: Right and he gave examples of that. I
10 think that 3000 is what I feel like. Perhaps one of the most confusing was time to
11 consider the difference between candelas per square meter and lumens per square foot
12 and at the end of the day I feel like and I think the committee felt like to leave it the way
13 it is proposed that candelas per square meter is the way to go.

14 COUNCILMAN STEVE FARRELL: But did John not recommend eight
15 and we are at five. We are at 8 and he is at 5.

16 COUNCILMAN MARK NELSON: I think maybe 10.

17 COUNCILMAN KENDALL CRITTENDEN: The applicant was asking
18 for 8 lumens which equates to 27 candelas.

19 COUNCILMAN MARK NELSON: I thing that John's initial proposal
20 that a recommended dark sky would be ten candelas not 27.

21 COUNCILMAN KARL MCMILLAN: It was actually lower than that,
22 five.

23 COUNCILMAN STEVE FARRELL: The other one that stands out is

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1 lumens per developed acre. We are at 25 and his recommendation somewhere around ten.

2 DUSTIN GRABAU: I recall some of these conversations. I think in
3 general what we asked for Dr. Barentine to provide was his recommendation and use his
4 input in the process. The sense from the sub-committee that we got was that the most
5 conservative standards weren't the standard that we wanted to adopt. So what we tried to
6 find was that something that balanced so the competing interest. One of the examples that
7 we used was the Tucson Arizona Temple as what those standards were. For instance it
8 did allow up lighting that had bright spots up to about the 27 number that we had
9 considered and we felt like that level of conservativeness matched what we were aiming
10 for with the recommendations from the sub-committee. To Dr. Barentine's credit I think
11 he gave us valuable information about where that most conservative line might bring us
12 to the 2700 is probably and would be the most conservative one we could draw. But the
13 current model IBA ordinance is at 3000 and that is why we proposed that. A lot of these
14 things were just matters of opinion.

15 COUNCILMAN STEVE FARRELL: Like I said difference between 2700
16 and 3000 is very minuscule.

17 DUSTIN GRABAU: Yes, that is more or less true of some of the
18 measures but all of those things were developed with a lot of thought and a lot of care.
19 Again the intent was to balance those convening interests and make sure that we still
20 adopted some conservative standards even if they aren't the most conservative.

21 CHAIR SPENCER PARK: If I remember right to the first meeting that we
22 ever had when I was on the committee at the very beginning we asked Dr. Barentine to
23 come back with the most stringent so that we had and this was the absolute perfect night

1 sky so we could come and figure out the two ends of the spectrum.

2 COUNCILMAN ERIK ROWLAND: To answer the question for me that
3 presents the recommendations was this item thirteen where he states, the purpose and the
4 intent statements of the existing code and proposed code is to not unreasonably interfere
5 with the reasonable use and enjoyment of property and astronomical observations within
6 the County. To me this was kind of the guide post from which we were working from
7 was how to we define and find what the unreasonably interfere with reasonable use and
8 enjoyment of property and astronomical observations. Having started from a place where
9 we had an existing code it could be easily argued that it wasn't. There was a lot of room
10 for improvement. How do we take it from what we had today to a much more affective
11 code but still adhere to that statement. I felt like we tried to accomplish.

12 COUNCILMAN STEVE FARRELL: Well, the question was in the
13 hearing the other night it was mentioned that we was going to adhere to the expert's
14 opinion. Wanted a little clarification of why we did not do that.

15 COUNCILMAN KENDALL CRITTENDEN: I guess what we said on the
16 committee we have taken his opinion and we weighed it and looked at it. In addition to
17 his opinion he also reiterated several times even though we are not following right down
18 the line of most conservative that he would I guess propose in what we are looking at
19 would be one of the better dark sky compliant ordinances in the entire United States. One
20 difference that he brought up was the 2500 lumens per square acre. One of the things is
21 we take out the parking or we not and we have some other standards that are higher
22 standards than the County has and we had to follow those so for the amount of light that
23 goes up to the nearest street.

1 COUNCILMAN STEVE FARRELL: It wasn't the standard we were
2 following other than the IBC in the International Building Code.

3 COUNCILMAN KENDALL CRITTENDEN: IES standard.

4 COUNCILMAN STEVE FARRELL: The IES standard, are we not
5 following them?

6 COUNCILMAN KENDALL CRITTENDEN: That is the reason why we
7 put parking lots not included in those 2700 and we recognize that Heber City's code is
8 one hundred thousand lumens per net acre. We are looking at 2500 on this.

9 DUSTIN GRABAU: That is a little bit of an apples to oranges. It is bigger
10 but includes these things and made it smaller excluding with the intent not allowing
11 someone to subsidize one with the other.

12 CHAIR SPENCER PARK: We had put in the code that said that we had
13 the minimum required for safety.

14 DUSTIN GRABAU: Parking lot lighting and have a brighter building
15 instead or something like that. I should know that Dr. Barentine is on line available for
16 your questions if you would like to ask him questions. He could speak for himself so I
17 think if you wanted to ask him.

18 COUNCILMAN STEVE FARRELL: Maybe we could ask him to maybe
19 distinguish between 2500 thousand lumens per developed acres and what a difference is
20 ten and what clarification he used on that.

21 DR. JOHN BARENTINE: Thank you for giving me the opportunity to
22 provide you with some additional information. I have looked at a number of model codes
23 as I was coming up with the recommendations in the original path that we took on the

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1 existing ordinance and in December of last year I looked at the model ordinance and I
2 looked at some of ordinances in what I think were comparable jurisdictions in the west so
3 that the setting was similar. I felt that for the kind of development level that is present
4 throughout the unincorporated parts of the County that the ten thousand lumens per
5 developed acre on the non-residential uses was probably appropriate. It is not the lowest
6 number and it by means the highest number among those comparable ordinances but I
7 felt like it was a good compromised position with the knowledge that there was some
8 room for discussion of that and if it didn't work well for the County we would look at
9 some other numbers. What I would really emphasize is that the important thing is we are
10 putting some kind of a meaningly cap on the light emissions on properties that they are
11 not unconstrained. From a dark sky perspective I think the most important thing to do first
12 is establish a limit and then in the future if needed the number could be adjusted
13 according to sort of the reality on the grounds. I think people should keep in mind that
14 just going to the extent of establishing the overall cap is the most important advance here
15 and not get too bogged down in precisely what the number is. The number that you settle
16 on doesn't work for your community it is something that you can come back and revisit
17 at a later date.

18 COUNCILMAN STEVE FARRELL: Is it a lot easier to raise the cap than
19 lower the cap.

20 DR. JOHN BARENTINE: Yes, significantly.

21 COUNCILMAN LUKE SEARLE: That is true but it is better to have up
22 caps rather than no cap at all.

23 DR. JOHN BARENTINE: Right.

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1 COUNCILMAN KARL MCMILLAN: What affect is there if there is no
2 up lighting how does that affect the total?

3 DOUG SMITH: You would have to determine another way to light it and
4 it might be soffit lighting or down lighting or something like but you can still light it.

5 DUSTIN GRABAU: Dr. Barentine you indicated and it is my
6 understanding that the direction of the up lighting doesn't necessarily affect the total
7 lumen calculation. Obviously, up lighting requires additional shielding in order to make
8 sure that it is captured on the facade and would be some verification needed from staff
9 respective to make sure that the applicants follow that section of the code. That is
10 probably the biggest consideration for if we did include allowing up lighting as it is
11 proposed right now that we would just have to make sure that is followed the way it is
12 intended.

13 COUNCILMAN KARL MCMILLAN: Doug would that be your offices
14 responsibility.

15 DUSTIN GRABAU: Yes, and we haven't dived and since the last time we
16 haven't dived into all the administration processes because we wanted to find out exactly
17 what the process was going to be from you and how you wanted us to regulate it maybe
18 something we do at the certificate of occupancy or building department may do some of
19 this verification since they are already on site with some other features of the project.

20 DOUG SMITH: The reality is that on a large project I would probably hire
21 a lighting engineer and review the plans for the lighting.

22 COUNCILMAN KENDALL CRITTENDEN: I think that is paid for by
23 the applicant to cover the extra work needed for their application.

1 COUNCILMAN LUKE SEARLE: Can we go back to the screen that has
2 what some decisions that we need to make?

3 CHAIR SPENCER PARK: So let's go through those and number one it
4 sounds like the committee kind of felt comfortable with 3000.

5 COUNCILMAN MARK NELSON: Yes.

6 CHAIR SPENCER PARK: Number two you felt comfortable with the
7 candelas.

8 COUNCILMAN MARK NELSON: Yes.

9 COUNCILMAN KENDALL CRITTENDEN: Also with the number there.

10 CHAIR SPENCER PARK: 27 candelas per square meter.

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12 COUNCILMAN KENDALL CRITTENDEN: Yes.

13 CHAIR SPENCER PARK: The recommendation for regulating lighting
14 trespass and the proposed code be maintained.

15 COUNCILMAN KENDALL CRITTENDEN: To continue it.

16 CHAIR SPENCER PARK: It sounds like we are pretty good on the
17 curfew times that were proposed.

18 DUSTIN GRABAU: I think the only point of consideration on the curfew
19 times that there will be some administration responsibility of property owners to ensure
20 that their lighting changes throughout the year as the sun set time changes.

21 CHAIR SPENCER PARK: That would only be if their hours of operation
22 changed to though right because it was already tied to that.

23 DUSTIN GRABAU: True hours of operation and before sun set and

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1 certain times of the year after sun set other times of the year.

2 CHAIR SPENCER PARK: That could happen in a commercial business
3 especially seasonal.

4 COUNCILMAN KENDALL CRITTENDEN: Is that point number six.

5 CHAIR SPENCER PARK: Motion sensor that seems to make sense and I
6 don't know if anybody has any comments on that. Number 6 the proposed curfew
7 language as originally proposed or the new language including a possible one hour after
8 sun set provision and possibly stricter standards for the conditional uses. That sounded
9 good because additional use you could add stricter requirements on each individual
10 property it required. Holiday lighting that seems like a mess a little bit. Determination of
11 enforcement on lighting has a provision there does anybody have other comments on that
12 and enforcement already outlined in the code.

13 COUNCILMAN MARK NELSON: I have a comment on that. I think it is
14 obvious there is much interest in Wasatch County about residential lighting and also
15 considering how to make that more dark sky friendly though we have chosen right now to
16 not consider that as part of this ordinance. I think that more complicated thing should be
17 addressed in some way in future and I am sure that we won't forget about that and talk
18 about how to do that and how that makes sense in the future.

19 COUNCILMAN KENDALL CRITTENDEN: Along with that and this
20 wouldn't fall to the Planning Department but from the a County perspective I think we
21 need to, an education or some kind of a promotion to help people understand maybe the
22 pros and cons of things they can do to reduce their residential lighting impact on their
23 neighbors and on the community in an ongoing effort to educate our citizens on perhaps

1 becoming more dark sky compliant on their own residential.

2 COUNCILMAN ERIK ROWLAND: I just want to echo that. I think that
3 part of what this process I have particularly enjoyed was having a focus targeted
4 discussion and research towards commercial. Then to repeat that same process but apply
5 it for residential. I think that will provide the best possible outcome that we are looking
6 for by allowing us to just really focus on that particular subject matter. I agree it is
7 complicated and it certainly affects a lot of people and a lot of questions that need to be
8 answered and it does warrant its own amendment process. I agree that we can initiate that
9 process at any time.

10 COUNCILMAN KARL MCMILLAN: Did you guys talk about zoning
11 and what was the group's decision and direction?

12 COUNCILMAN ERIK ROWLAND: Similar to residential they were
13 trying to understand its application and trying to find a way that fits within our
14 community. That raised a lot of questions like we have probably explored tonight. It is
15 common to have the lighting zones and Dr. John Bernstein could talk about this. That
16 they are typically used as an overlay zone and what does that mean exactly when it comes
17 to land use zones. So for example if at some point and I have been looking at this and
18 how does this work. If you have an area that is just fields and clearly using the definitions
19 in the IES guide book would be classified as a zone one or possibly zone zero. There is
20 no lighting.

21 There is no structures at all and now you have a developer come in and start
22 constructing homes and start constructing infrastructure does the lighting zone prevent
23 certain structures from being built or is it the other way around. The structures that are

1 being built affect the lighting zone.

2 In other words if it is established as a lighting zone one you now build an entire
3 subdivision with town homes, condos and high density housing does it naturally escalate
4 to a zone three. How does that work?

5 Or is there restrictions place on what could be built because it is already classified
6 as a zone zero and that was confusing and it wasn't entirely clear. Just that discussion of
7 how do we apply this to our community in a way that is effective and makes sense.

8 Also when looking at the definition when it is based on what is considered dense
9 or what is considered rural and you look at the standards that seems very subjective. How
10 do you define when you have crossed that line and it is no longer a zone 2 does this have
11 to be reassessed every year? You have to look at your overlays the County and determine
12 how things have shifted based on development. For me it wasn't a comfortable
13 recommendation to make because there wasn't a clear, concise answer.

14 COUNCILMAN KENDALL CRITTENDEN: We have seen examples
15 each year of a lighting zone area zero, one, three it seems like we have been told that they
16 are in the process of amending that. If we were to adopt lighting zones at some future
17 date we wouldn't have to adopt these and create our own that we don't have to adopt
18 Utah County land zones. We create our own throughout the county. To go back to Erik's
19 example on if you had an area that was zoned particular building zone or land zone and
20 also if we had lighting zones on that and then whoever would come in and ask for a zone
21 change would they have to ask for a zone change in the lighting zone because what they
22 are going to do is possibly going to change their lighting and it adds that complexity.

23 COUNCILMAN KARL MCMILLAN: I understand that but when I kept

1 reading it I went through the same thing that Erik is going through which is first. I never
2 could find in what I read a definition of how you got what you do first.

3 COUNCILMAN ERIK ROWLAND: Take for example, I was looking at
4 an overlay Google search on where the proposed temple site is right now. I know there
5 has been a lot of discussion on how that area should be classified as a zone one, some
6 said it is a zone two. Right now if you look at that space from an aerial view and just take
7 a basic one mile circumference of where that temple site is and you have five church
8 buildings, two elementary schools, a middle school, a high school and you have
9 government infrastructure and from that perspective its dense housing. The only thing
10 that is missing in that field right there is there is nothing there. If that is the definition that
11 is maintaining as a zone one so once you build something there does it now become zone
12 2 is that what affects the change

13 COUNCILMAN KARL MCMILLAN: Which comes first? You can put it
14 there as zone 2 and we haven't followed this rule. I just don't know where we make that
15 determination. Does the Planning Department make that determination when we look at
16 what is built, no probably not.

17 COUNCILMAN ERIK ROWLAND: If there is an application for
18 development and is there a denial well your structure will now cause us to change the
19 zone types and is it denied? I don't understand that process.

20 COUNCILMAN KARL MCMILLAN: I Just wondered something simpler
21 because I didn't get very far.

22 COUNCILMAN KENDALL CRITTENDEN: I think it is something that
23 we continue to explore because as we have talked in the committee that potentially some

1 areas in the County that we might want to apply some lighting zones too different than on
2 the valley floor.

3 COUNCILMAN ERIK ROWLAND: That is Kendall's point I appreciate
4 you bringing that up because there does seem to be in at least what I have seen in the
5 areas that you can isolate through natural parks areas of public interest where there is you
6 want to prevent as much light pollution. You can create specific zones in those areas and
7 define what that means so maybe that is an option. We look that there are areas in the
8 County that we feel are extra sensitive whether it is through animal habitat or public use
9 or whatever it may be we can then say that this is still appropriate for this area and we
10 can define that as a protected light area and choose how it is defined and how it is going
11 to be enforced.

12 COUNCILMAN KENDALL CRITTENDEN: We can create our own
13 definitions.

14 COUNCILMAN ERIK ROWLAND: Dr. John Barentine can refute this
15 but in my Googling that seems to be something you do.

16 COUNCILMAN KARL MCMILLAN: I agree that it is something that we
17 need to do.

18 DR. JOHN BARENTINE: If I may, I just wanted to make an observation
19 with respect to the way in which the lighting zones are used in codes in communities
20 where they chose to use them. I have seen both of those types of application zones that
21 have been discussed here that I think have been in a positive/negative sense not that it is
22 good or bad but does the zoning of an area at a certain lighting zone is it intended to
23 prevent development on that parcel because you want to retain the conditions that are

1 there now or does the zone scale up as the land use changes so you go from an
2 undeveloped field to housing development for example or for commercial development.

3 I have seen both. In some cases a community for example would zone its green
4 belts or its open spaces as a zero specifically because they don't want there to be any
5 light on those lands in the future. I have also seen it to where those zones will adapt
6 according to the use of the parcel changing through time. Something that something that
7 might start out zone one could be up zoned to two if the determination is made to allow
8 development on that parcel.

9 You may absolutely adapt to the definitions of the lighting zones as you see fit.
10 They are certainly not written in stone and right here is where I am at in Tucson, Arizona
11 we do not use the IES lighting zones. We have a series and I believe there are six lighting
12 areas that sometimes have very precise definitions in the code with respect to even the
13 boundaries down to which a certain lighting area will extend up to a certain road but not
14 beyond. It is entirely up to you to decide how to do that and it is also something that we
15 could come back in the future and revisit this topic and put the zones in at that point.

16 The original reason that I recommended this to the County it gives you more
17 flexibility in terms of exactly what the allowances are in those zones. It is a recognition
18 that in some area you want lighter because the expectations are a little bit higher. The
19 traffic is higher at night. You really do need that additional light and you would be able to
20 say that but tie is specifically to the type of use.

21 COUNCILMAN MARK NELSON: If I could make another comment and
22 it sort of relates to this. One of the citizens that contacted us mentioned that the
23 Jordanelle State Park is identified as a dark sky park and that park is going to have

1 several multi-story hotels, a night ski run, and a very dense commercial ski beach area
2 right across the road from it. Ten thousand units right up on the hill above and several
3 thousand around it. That challenge for us is happening not just there and it's really
4 focused there but it is happening everywhere in the County and that really complicated
5 the discussion to think about zones.

6 COUNCILMAN ERIK ROWLAND: Part of the complication part I think
7 was probably might be worth emphasizing is some of you asked me well why you aren't
8 doing anything with that resort. How come things aren't getting restricted? Why aren't
9 you trying to enact and the simple answer is you can't. We aren't not the land use
10 authority. So even if we were to implement the strictest standards in dark sky compliant
11 there would be no authority for us to enforce it in that area. Again it is not to say that we
12 want to give up and say we can't do anything. That is not the case at all. I think very
13 certainly there is room for us to look around the County and say do we feel like this area
14 can be preserved, is there the ability to do so that would actually make a difference and
15 implement some kind of protective zone we certainly can but similar to perhaps a
16 residential taking that time to identify what those areas are I think you need some time. I
17 hope that helps.

18 COUNCILMAN MARK NELSON: I can even give another example on
19 the other end of the County out around Strawberry Reservoir there is and you know this
20 Council and previous Councils here have resisted commercial development along
21 Highway 40 around the Strawberry Reservoir and that keeps coming up but there are
22 additional developments that are going in even there and that is another area that we
23 would like to protect the dark skies out there because they are awesome out there

1 COUNCILMAN KARL MCMILLAN: I am still not there.

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3 COUNCILMAN STEVE FARRELL: We are to number 9.

4 CHAIR SPENCER PARK: I think that outlined the enforcement and I feel
5 pretty confident we could enforce those provisions that are already inside the code. I
6 don't think there is probably a lot of discussion at least on the up lighting and candelas
7 for items ten and eleven. Because it is probably a pretty standard definition for
8 architectural up lighting.

9 COUNCILMAN STEVE FARRELL: That is architectural up lighting and
10 that is what it has been defined as.

11 CHAIR SPENCER PARK: The candelas is probably a little easier
12 measure.

13 COUNCILMAN ERIK ROWLAND: Yes, in this case the method of you
14 wanting to adopt familiar candelas as presented.

15 COUNCILMAN KENDALL CRITTENDEN: I think it was good to take
16 the time to look at that and create that addition that will be used to determine that because
17 it wasn't in what we were looking at weeks ago so that needed to happen.

18 COUNCILMAN ERIK ROWLAND: I would like to make a motion if that
19 is possible.

20 CHAIR SPENCER PARK: That would be great.

21 COUNCILMAN ERIK ROWLAND: I would like to make a motion that
22 we approve the amendment to Wasatch County Code 16.21.16 and Section 16.26 with the
23 definitions of Kelvin, at 3000 Kelvin with the determination of the use of candelas a

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1 limited choice of candelas as stated based on the curfew times as stated here for the
2 motion sensor time of five minutes. With the proposed changes by Doug Smith to the
3 curfew language as proposed today along with the proposed holiday lighting as presented
4 in Doug's presentation as the terms or definitions as presented for up lighting and a
5 method for measuring for candelas once again as presented by Doug. In light of the
6 findings and subject to the conditions as recommended.

7 COUNCILMAN KENDALL CRITTENDEN: I will second the motion.

8 COUNCILMAN LUKE SEARLE: I just want to say thank you to the sub-
9 committee for putting in so many hours in and appreciate all that. Not a member of the
10 committee but just the meeting today helped me understand that I think that we got to that
11 reasonable point that Erik has pointed out here before. I would say that the only part I
12 worry is about the commercial businesses and we need to go back to that if there are
13 issues. I don't know that the County is super well with what commercial businesses are
14 entering the County and that technology is hard for them to adapt to for some reason. If
15 we have issues we can look at that but again appreciate you getting an expert like Dr.
16 Barentine and looking at different standards like the Tucson Temple of one of the
17 projects that is in the County we are looking at and looking at the experts example. I
18 think that 3500 Kelvin does for architectural lighting actually described the lighting but I
19 am fine in moving forward to 3500.

20 CHAIR SPENCER PARK: We will go ahead and vote.

21 COUNCILMAN KARL MCMILLAN: Yes.

22 COUNCILMAN LUKE SEARLE: Yes.

23 COUNCILMAN KENDALL CRITTENDEN: Yes.

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1 CHAIR SPENCER PARK: Yes.

2 COUNCILMAN STEVE FARRELL: Yes, I am going to vote yes with the
3 understanding that this is a work in process and this ordinance can be changed as we see
4 fit and change it and work it out that we are comfortable with it.

5 COUNCILMAN ERIK ROWLAND: Yes

6 COUNCILMAN MARK NELSON: Yes.

7 CHAIR SPENCER PARK: That passes unanimously

8 DUSTIN GRABAU: It would be helpful for us to know if you want us to
9 start working now on additional changes for this or not.

10 COUNCILMAN ERIK ROWLAND: The residential.

11 DUSTIN GRABAU: Lighting regulations, lighting zones, do you want us
12 to pursue specific code amendments. Do you want us to reconvene the sub-committee
13 and talk about things? How do you want to handle it or at some future point.

14 COUNCILMAN ERIK ROWLAND: I think with residential let's see
15 trying to because that is not a focus. I would love to start soliciting feedback from those
16 in the County with respect to what they would like to see and start to get a sense of their
17 interest so that we can help determine what this might be. I want to decide what we are
18 up against. Just too really get a respect for what this ordinance may involve. Then
19 whether we want to continue using Dr. Barentine and would be happy to continue using
20 him for that expertise.

21 COUNCILMAN STEVE FARRELL: I think before we do much work on
22 this we ought maybe take it to Interlocal and see if we can get the other municipalities to
23 work in the same direction because it is a waste of time for the County to pass a

1 residential lighting ordinance if the municipalities don't follow through and do the same
2 thing.

3 COUNCILMAN KENDALL CRITTENDEN: We had a call for agenda
4 items for the next Interlocal and we can add that right in there.

5 CHAIR SPENCER PARK: Let's see if we can get it on the next Interlocal
6 agenda.

7 COUNCILMAN ERIK ROWLAND: let's just take a moment and thank
8 John. He has gone through a lot of stuff.

9 COUNCILMAN STEVE FARRELL: Thank the people in attendance
10 today that took time to come.

11 JOHN BARENTINE: Thank you all. It was a pleasure

12 CHAIR SPENCER PARK: Thank you very much.

13 COUNCILMAN MARK NELSON: John this is Mark Nelson and I just
14 wonder if in the future and your work with us is summarized or captured in some way it
15 would be interesting for Doug Smith to get a copy of that. I don't know if that is normal
16 process but it would be really interesting I think for the County and the citizens to be able
17 to see that.

18 JOHN BARENTINE: Sure I will be happy to work with staff on that if
19 you would like such a summary.

20 CHAIR SPENCER PARK: Thank you.

21 (WHEREUPON, THE ITEM WAS CONCLUDED)

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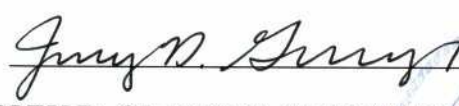
23 The Agenda Item concluded at 5:30 p.m.

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SPENCER PARK/CHAIRMAN


JOEY D. GRANGER CLERK/AUDITOR

