



## Weber County Planning Division

# MEMORANDUM

To: Weber County Commission  
From: Charles Ewert, AICP  
Date: June 22, 2017  
Subject: Proposed Ogden Valley Outdoor Lighting Ordinance

Weber County currently has an Ogden Valley Lighting ordinance (§108-16 of the Weber County Code). This ordinance is currently applicable to commercial, industrial, multifamily, and public and quasi-public uses. All other uses, for example recreational uses, (non-multifamily) residential uses, and agricultural uses are exempt from the current ordinance requirements. The current code has certain technical requirements based on lamp fixture types that are challenging to enforce.

As you know, the Ogden Valley Planning Commission has been working on a new outdoor lighting ordinance for your recommendation. Their objective was to recommend an ordinance that avoids the technical aspect of light-engineering in favor of requirements that can be executed and enforced in a simple manner.

They have offered a positive recommendation to the County Commission for the attached ordinance. Below is a policy analysis of the proposal, along with three alternatives that the County Commission may desire to consider as you deliberate over the best course of action.

### **Policy analysis**

In brief, the proposed ordinance is geared to provide for the following: downward directed lighting that is fully shielded such that no direct light (reflected light is ok) is projected outside of the boundaries of a lot or parcel. The outcome of such a directive is twofold; first, it's to protect from unused/renegade light that is projected into the night sky, and second, it is to protect individual land owners from the unwanted over-projection of neighboring light onto their property.

Because of the variety of lighting devices available on the market, this sort of a blanket directive has a few unintended consequences. Exemptions to the rule are also drafted into the proposal in order to mitigate some of those consequences. Also drafted into the ordinance are execution and enforcement mechanisms and a requirement for ongoing public outreach and education on dark sky compliant lighting.

The proposal addresses sign lighting, the phase-out of nonconforming signs, and offers some administrative edits to the sign code to make it more easily administrable.

*Note: For a more complete analysis of the proposed ordinance, see the attached Planning Commission staff report dated November 29, 2016. Due to lapsed time, the attached proposal modifies the "effective date" from the Planning Commission recommendation from May 1, 2017 to August 1, 2017.*



## **Weber County Planning Division**

### ***Alternative one: Planning Commission preferred alternative.***

This alternative has the following elements:

- It mandates compliance for all future commercial structures.
- It offers a five year phase-in for existing commercial structures.
- It mandates compliance for all new residential construction.
- It exempts existing residential and agricultural structures.
- It requires that any light-fixture modification on an existing residence be modified in compliance with the ordinance.

The attached ordinance (Attachment A) is crafted to execute the Planning Commission's preferred course of action, and is ready for a vote from the Commission, if that be your desire. The Planning Commission vote was not unanimous, with one planning commissioner voting against the proposal. A letter from the voters who favor the attached proposal is attached (Attachment E), as is a letter from the voter whom dissented (Attachment F), each to explain to the County Commission the reason for the votes. The Planning Commission meeting minutes are also attached (Attachment D).

### ***Alternative two: voluntary compliance for all (non-multifamily) residential uses.***

This alternative has the following elements:

- It mandates compliance for all future commercial structures.
- It offers a five year phase-in for existing commercial structures.
- It exempts all (non-multifamily) residential and agricultural structures.
- It offers a voluntary compliance provision for all exempt uses, and offers a fee reduction as an incentive for voluntary compliance.

This alternative can be executed in the meeting by adopting the attached ordinance, Attachment A, with the modified language provided in Attachment B.

The basic concern that led to the dissenting vote on the Planning Commission was the mandate for all future residential structures. The Planning Commission discussed at length the effect of not mandating the ordinance on (non-multifamily) residential uses. The alternative language of the Attachment B is designed to stimulate voluntary compliance for existing and future residential structures. It leaves the mandate for commercial structures as is mentioned in alternative one.

### ***Alternative three. Voluntary compliance for all uses***

Instead of adopting any new ordinance or ordinance modification, the Commission may desire to create a resolution for a new internal policy that contains the same guidance as the attached ordinance, but is voluntary for all uses. This type of policy can have outcomes such as incentive-based compliance measures, educational material dissemination, and non-mandatory guidance from planning staff to land use applicants regarding the benefits of dark sky compliant outdoor lighting. If this is a desirable alternative, I recommend that the Commission direct staff to draft a new resolution and present it at a later Commission meeting.



## **Weber County Planning Division**

Attachments:

- A. Alternative one: Planning Commission preferred alternative (with executable ordinance).
- B. Alternative two: language to execute voluntary compliance for all (non-multifamily) residential uses.
- C. November 29, 2016 Planning Commission staff report.
- D. February 28, 2017 Planning Commission meeting minutes.
- E. Letter from planning commission members Jami Taylor, Robert Wood, Gregory Graves, and John Lewis explaining their vote in support for the planning commission proposal.
- F. Letter from planning commission member Laura Warburton explaining her dissenting vote.

# Attachment A

**Alternative one: Planning Commission preferred alternative (with executable ordinance).**

**ORDINANCE NUMBER 2017-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE WEBER COUNTY LAND USE CODE TO  
REVISE THE OGDEN VALLEY OUTDOOR LIGHTING REGULATIONS.**

**WHEREAS,** the Weber County Land Use Code heretofore contained regulations governing the outdoor lighting in the Ogden Valley; and

**WHEREAS,** these regulations offered inadequate and outdated requirements for outdoor lighting that were difficult to fully enforce; and

**WHEREAS,** The Ogden Valley Planning Commission, after appropriate notice, held a public hearing on February 28, 2017 to consider public comments regarding amendments to the outdoor lighting regulations, and offered a positive recommendation to the County Commission for the changes; and

**WHEREAS,** on June 27, 2017, the Weber County Board of Commissioners, after appropriate notice, held a public hearing to consider public comments regarding amendments to the Ogden Valley outdoor lighting regulations; and

**WHEREAS,** the Weber County Board of Commissioners find, among other things, that the proposed ordinance amendments meet the intent of the Ogden Valley General Plan, offer protection for the night sky, and reduce lighting conflicts between landowners;

**NOW THEREFORE,** the Weber County Board of Commissioners ordains an amendment to the Weber County Land Use Code as follows:

**See Exhibit A (Clean Copy) and Exhibit B (Track Changes)**

This ordinance shall become effective fifteen (15) days after publication.

Passed, adopted, and ordered published this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the Weber County Board of Commissioners.

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By \_\_\_\_\_,  
James Ebert, Chair

Commissioner Ebert voted \_\_\_\_\_

Commissioner Gibson voted

Commissioner Harvey voted

ATTEST:

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Ricky Hatch, CPA  
Weber County Clerk/Auditor

3/1/17

**Sec. 101-1-7. - Definitions.**

When used in this Code, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:

...

*Custom exempt meat cutting.* The term "custom exempt meat cutting" means the cutting, wrapping, and preparation of meat for human consumption; provided, however, that the source of meat shall be limited to animals that are part of one or more livestock operation(s) in Weber County, and/or wild game.

*Dark sky.* The term "dark sky" means a night-time sky that is substantially free of interference from artificial light.

*Dairy.* The term "dairy" means a commercial establishment for the manufacture or processing of dairy products.

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*Glamorous camping (glamping), agri-tourism.* The term "agri-tourism glamorous camping (glamping)" means an agri-tourism use/activity that provides the opportunity for agri-tourists to rent, on a nightly basis, fully furnished tents and/or rustic cabin sites that are characterized by furnishings, amenities, and comforts offered by that of a luxury hotel room. Furnishings, amenities, and comforts may include but not be limited to, luxurious decor, beds, linens, baths, veranda, spa services, concierge, dining, and chef.

*Glare.* The term "glare" means light, originating from a direct artificial light source, or any light reflected off a reflective surface, that causes visual discomfort or reduced visibility.

*Grade, natural/existing (adjacent ground elevation).* The term "grade, natural/existing (adjacent ground elevation)" means the lowest point of elevation of the finished surface of the natural ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building or structure and a line five feet from the building or structure.

...

*Landscape plan.* The term "landscape plan" means:

- (1) Detailed plans depicting the layout and design for landscaping, including, but not limited to location, height and materials of walls, fences, hedges and screen plantings;
- (2) Ground cover plantings or other surfacing to break monotony of building materials, concrete and asphalt;
- (3) Number, type and mature and planted size of all landscape plantings; method of irrigation, location of water meter, piping, pumps, timers, point of connection and any blow-out or winterizing system; location, type and size of any existing trees over four-inch caliper;
- (4) Location, type and size of any existing landscaping not planned for removal; location, type and size of any decorative lighting systems.

*Light, direct artificial.* The term "direct artificial light" means any light cast directly to an illuminated area from an artificial light source, as defined by this section, or from any surface on or within the artificial light source's luminaire that is intended to reflect, refract, or diffuse light from the artificial light source. This does not include light reflected, refracted, or diffused from other surfaces such as nonreflective surfaces on or within the luminaire, or the ground or adjacent walls, provided those surfaces are not primarily intended for the reflection, refraction, or diffusion of the artificial light source. See also Section 108-16-9 for a graphic depiction.

*Light pollution.* The term "light pollution" means any artificial light that is emitted either directly or indirectly by reflection that alters the appearance of the night-time sky; interferes with astronomical

3/1/17

observations; interferes with the natural functioning of native wildlife, or disrupts the community character as defined in the applicable general plan for the area.

*Light source, artificial.* The term "artificial light source" means the part of a lighting device that produces light. See also Section 108-16-9 for a graphic depiction.

*Light trespass.* The term "light trespass" means the projection of any light from a direct artificial light outside the lot or parcel boundary or street right-of-way where the artificial light source is located, unless the projection outside the lot or parcel boundary or street right-of-way is intended, wanted, and lawfully permitted. See also Section 108-16-11 for a graphic depiction.

*Lighting, outdoor.* The term "outdoor lighting" means the illumination of an outdoor area or object by any outdoor artificial light source. Outdoor lighting also includes the illumination of an outdoor area or object by direct artificial light projected from an indoor artificial light source through a window, door, or similar opening.

*Lighting, recreation facility.* The term "recreation facility lighting" means outdoor lighting used to illuminate the recreation activity area of a stadium, sports field or court, rink, ski area, swimming pool, theater, amphitheater, arena, or any similar use intended for recreational activity. See also Section 108-16-15 for a graphic depiction.

*Livestock feed yard.* The term "livestock feed yard" means a commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale, etc.

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*Qualified professional.* The term "qualified professional" means a professionally trained person with the requisite academic degree, experience and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.

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*Sign area.* The term "sign area" means the area of a sign that is used for display purposes, including the minimum frame and supports. In computing sign area, only one side of back to back signs covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than 45 degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

*Sign face.* The term "sign face" means the area of a sign that is designed to present or convey a message or attract attention, exclusive of structural support members.

...

*Sign.* The term "sign" means any object, device, display, or structure, or part thereof that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including, but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

*Sign, advertising.* The term "advertising sign" means an off-premises sign 20 square feet or less in area.

*Sign, animated.* The term "animated sign" means a sign employing actual motion, the illusion of motion or light and/or color changes achieved through mechanical, electrical or electronic means.

*Sign, athletic field scoreboard.* The term "athletic field scoreboard sign" means a sign which is erected at a public or private park or public or private school for the purpose of providing game scores or



3/1/17

other information about the game in progress. Advertising by the sign donor shall be limited to 50 percent of the total sign area.

...

*Sign, conservation property.* The term "conservation property sign" means a sign that is placed on a parcel with a minimum area of ten acres that is encumbered by a conservation easement held by an organization or government entity as authorized by UCA §57-18-3.

...

*Sign, development.* The term "development sign" means a temporary business sign identifying a construction project or subdivision development. The sign may contain the name of the project, name and an address of the construction firms, architect and developer.

...

*Sign, freestanding (pole sign).* The term "freestanding sign " or "pole sign" means any sign supported by one or more poles or a support that is placed on or anchored in the ground and that is independent, unattached, or not braced from any building or other structure.

...

*Sign, illuminated.* The term "illuminated sign" means a sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign.

...

*Sign, pole.* See sign, freestanding.

...

## **CHAPTER 16. - OGDEN VALLEY OUTDOOR LIGHTING**

### **Sec. 108-16-1. - Purpose and intent.**

The purpose and intent of this chapter is to promote the community character of the Ogden Valley, as provided for in the Ogden Valley General Plan, by providing regulations and encouragement for the preservation of a dark sky. This chapter is also intended to promote the health, safety, and general welfare of Ogden Valley residents and visitors by:

- (1) Reducing, eliminating, or preventing light trespass;
- (2) Reducing, eliminating, or preventing unnecessary or inappropriate outdoor lighting;
- (3) Reducing, eliminating, or preventing the effects of outdoor lighting on wildlife;
- (4) Preventing unsightly and unsafe glare;
- (5) Promoting energy conservation;
- (6) Maintaining nighttime safety, utility, and security;
- (7) Encouraging a minimal light footprint of land uses in order to reduce light pollution; and
- (8) Promoting and supporting astrotourism and recreation, including the pursuit or retention of accreditation of local parks by the International Dark Sky association.

### **Sec. 108-16-2. - Applicability.**

- (a) *New outdoor lighting.* Except as provided in subsection (c) below, all outdoor lighting installed after August 1, 2017, shall conform to the requirements established by this chapter. This chapter does not apply to indoor lighting except as defined by "outdoor lighting" in Section 101-1-7.

3/1/17

(b) *Existing outdoor lighting.* Except as provided in subsection (c) below, 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 phased out as outlined in Section 108-16-7 of this chapter.

(c) *Lighting for residential use.* Except as may be provided in Section 108-16-7, the lighting standards of this chapter are not mandatory for a single-family, two-family, or three-family dwelling in existence or approved on or before August 1, 2017. The county shall employ educational methods and incentives to encourage voluntary compliance for these residential uses. For the purpose of facilitating education and for tracking the effect of not applying a mandate, the county may require submittal of final lighting plans for residential uses pursuant to 108-16-6(b)(1); if required, final lighting plans shall be submitted either at the time of application submittal or prior to certificate of occupancy, at the Planning Director's determination. The county may also require the applicant to sign an acknowledgement of review of educational materials.

(d) *Conflict.* Should this chapter be found to be in conflict with other sections of this code, the more restrictive shall apply.

#### **Sec. 108-16-3. - General standards.**

(a) *Light shielding and direction.* Unless specifically exempted in Section 108-16-5, all outdoor lighting shall be fully shielded and downward directed in compliance with the following, examples of which are graphically depicted in Section 108-16-10:

- (1) No artificial light source shall project direct artificial light into the night-time sky;
- (2) No artificial light source shall be placed at a location, angle, or height that creates a light trespass, as defined in Section 101-1-7 and graphically depicted in Section 108-16-11.
- (3) The shielding shall be made of completely opaque material such that light escapes only through the bottom. Shielding that is translucent, transparent, has perforations or slits of any kind, or allows light to escape through it in any other manner is not permitted.
- (4) Shielding may be attained by light fixture design, building design, or other site design features such as fencing, walls, landscaping, or other screening, provided it is in strict compliance with (1) through (3) of this subsection.

(b) *Light color.* Unless otherwise specified in this chapter, the color of any outdoor lighting artificial light source shall be equal to or less than 3000K, in accordance with the standard Kelvin temperature chart, as graphically depicted in Section 108-16-12.

#### **Sec. 108-16-4. - Specific standards.**

In addition to the general standards of Section 108-16-3, The following are specific standards that apply to all commercial, industrial, manufacturing, public and quasi public, institutional, multifamily, recreation, and resort uses:

- (1) *Light curfew.* Unless exempt in Section 108-16-5, and except for residential uses, all outdoor lighting shall be turned off by 10:00pm, or, if applicable, within one hour after the close of business, whichever is later, except the following:
  - a. Lighting to illuminate the entrance of the building;
  - b. Safety lighting of parking lots and pedestrian areas;
  - c. Lighting necessary for after-hours business.
- (2) *Flashing or flickering light.* No flickering or flashing lights shall be permitted.
- (3) *Canopy lighting.* All direct artificial light sources shall be sufficiently recessed so as not to project direct light greater than five feet from the outside perimeter of the canopy, and shall not

3/1/17

produce more than a ratio of 8 lumens per square foot of canopy area. This ratio shall be calculated by combining the total lumen output of each artificial light source and dividing by the square footage of the canopy. See Section 108-16-13 for a graphic depiction.

- (4) *Parking lot lighting.* All artificial light sources in open-air parking lots shall not exceed a ratio of two lumens per square foot of parking lot area. This ratio shall be calculated by combining the total lumen output of each artificial light source divided by the square footage of the parking lot area. See Section 108-16-14 for a graphic depiction.
- (5) *Recreation facility lighting.* Recreation facility lighting, as defined in Section 101-1-7, shall comply with the following:
  - a. The lighting for the recreation activity area shall only be directed onto the area where the recreation activities are occurring. It shall not be allowed to illuminate surfaces that are not essential to the function of the recreation activity.
  - b. The lighting shall not exceed a ratio of 10 lumens per square foot of recreation activity area. This ratio shall be calculated by combining the total lumen output of each artificial light source divided by the square footage of the recreation activity area. See Section 108-16-15 for a graphic depiction.
  - c. The recreation activity area shall be lit only when it is in use.
  - d. The light color standard of 108-16-3 does not apply to lighting for the recreation activity area.
- (6) *Sign lighting.* Sign lighting shall comply with the requirements of 110-2-12.

#### **Sec. 108-16-5. - Exemptions.**

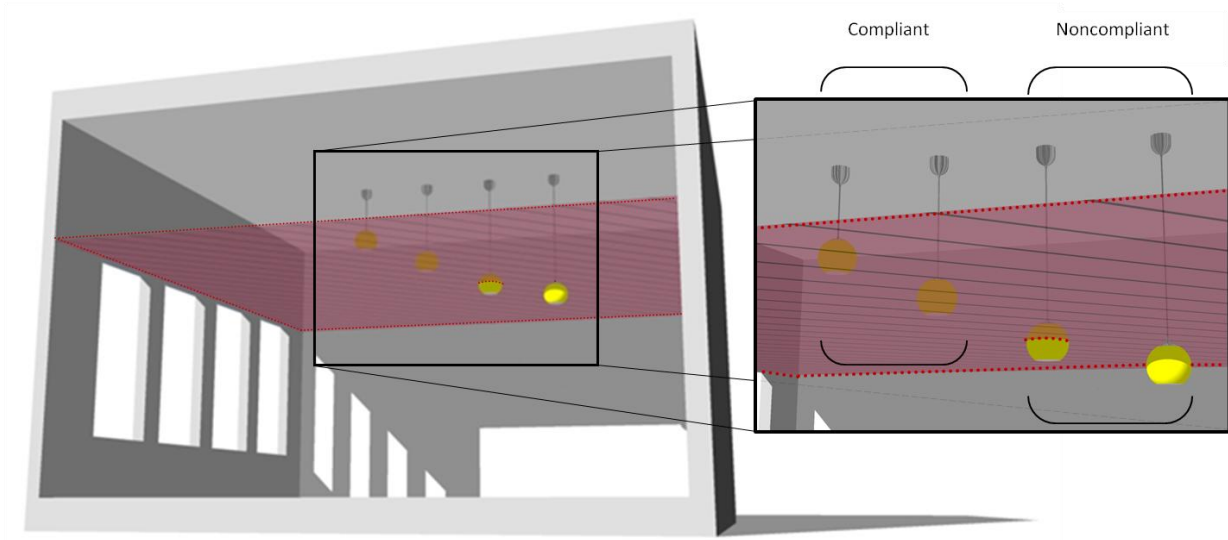
The following artificial light sources are exempt from the requirements of this chapter:

- (1) *Agricultural lighting.* Lighting for agricultural uses.
- (2) *Federal and state flag lighting.* The outdoor lighting of a United States or State of Utah official flag, provided it is in compliance with the following:
  - a. The light shall be downward directed from the top of the flag pole;
  - b. The light shall be as narrow a beam as possible and aimed and shielded to illuminate, to the best effort practicable, only the area which the flag occupies in all wind conditions; and
  - c. The light level shall be minimized to create the least amount of impact on the dark sky, while still offering noticeable illumination of the flag;
- (3) *Federal and state facilities lighting.* Federal and state facilities are exempt from the requirements of this chapter. However, they are encouraged to cooperate and to coordinate with the County the construction of their facilities in compliance with this chapter;
- (4) *Fossil fuel lighting.* Fossil fuel light, produced directly by the combustion of natural gas or other utility-type fossil fuels;
- (5) *Holiday or festive lighting.* Holiday or festive outdoor lighting for residential uses, provided it is in compliance with the following:
  - a. That the lighting shall not create a hazard or glare nuisance; and
  - b. That the lighting shall be temporary in nature and not permanently installed. It shall be removed within a reasonable time after the end of the holiday or festive event, but at least once per year;
- (6) *Low output light source.* An artificial light source having an output equal to or less than one hundred five lumens, provided that the cumulative lumen output of all low output light sources

3/1/17

shall not exceed a ratio of one and a half lumens per square foot of cumulative area intended to be illuminated. This ratio shall be calculated by combining the total lumen output of each low output light source divided by the square footage of the area intended to be illuminated. The low output light sources shall be distributed across the area intended to be illuminated and not organized in a focused location;

- (7) *Mobile lighting.* Lighting affixed to a vehicle, provided the lighting is not intended for the stationary illumination of an area;
- (8) *Motion sensor controlled light source.* An artificial light source that has a light output equal to or less than nine hundred lumens and is controlled by a motion sensor, provided it is in compliance with the following:
  - a. That the motion sensor is set to turn the artificial light source off 10 minutes after the last detection of motion; and
  - b. That the artificial light source is sufficiently shielded in a manner that prevents glare on adjacent properties or roadways;
- (9) *Outdoor lighting projected from indoors.* An artificial light source that is projected from indoors to outdoors through windows, doors, or similar openings, provided that this exemption only applies to direct artificial light when it is positioned above an imaginary line that extends horizontally from the top of any window, door, or similar opening. Light-blocking shades, blinds, or similar coverings may be used to satisfy this standard. In the following example the two pendant lights on the left are above the horizontal, while the two pendant lights to the right extend below the horizontal and are not permitted:



- (10) *Safety or security lighting.* For the sole purpose of mitigating legitimate and verifiable safety or security hazards, the Land Use Authority may exempt an artificial light source if it is shown to be necessary. The Land Use Authority may apply reasonable conditions to ensure optimal compliance with the purpose and intent of this chapter. Evidence demonstrating that it is necessary shall be one or both of the following:

3/1/17

- a. Submitted proof of lighting requirements from a property insurance company that demonstrates that compliance with this chapter will render the property uninsurable. The minimum amount of lighting required by the property insurance company shall be considered the maximum for the purposes of this chapter; or
- b. Submitted reasonable research findings, from a qualified professional, as defined by Section 101-1-7, that offer a compelling argument for the need for the exemption. However, if the Land Use Authority is aware of other research findings that refute what is submitted, then the Land Use Authority must determine which research findings are more persuasive under the circumstances. If the Land Use Authority grants the exemption, then the minimum amount of lighting necessary to ensure appropriate safety or security, as recommended by the qualified professional, shall be considered the maximum for the purposes of this chapter;
- (11) *Occasional event lighting*. Outdoor lighting intended for an occasional event, such as a wedding, party, social gathering, or other similar event that occurs on an occasional basis, provided it is in compliance with the following:
- a. Occasional event lighting shall be turned off by 10:30pm and any remaining lighting shall comply with this chapter; and
- b. Occasional events shall not occur more than twice per month;
- (12) *Underwater lighting*. Underwater lighting in a swimming pool or other water feature provided it is not intended to illuminate features above water;
- (13) *Temporary public agency lighting*. Temporary outdoor lighting in use by law enforcement or a government agency or at their direction;
- (14) *Tower lighting*. Tower lighting required by the FAA or the FCC, provided that it shall not exceed the minimum requirements of those agencies. Collision markers shall have a dual mode for day and night to minimize impact to the night sky and migrating birds; and
- (15) *Traffic control devices*. Traffic control devices and signals.

**Sec. 108-16-6. - Procedures for compliance.**

- (a) *Applications*. Any application for a permit or approval required by this Land Use Code shall contain evidence that the proposed work complies with this chapter.
- (b) *Contents of application or submittal*.
- (1) In addition to the specific application requirements elsewhere in this Land Use Code, the application submittal shall contain the following:
- a. Plans indicating the location of all artificial light sources on the premises, including their height above the ground.
- b. Description of each artificial light source device, and supporting structure. This description may include, but is not limited to, device specifications from the manufacturer, drawings, details, and cross sections, when available.
- (2) The required plans and descriptions set forth in subsection (b)(1) of this section shall be complete and shall be presented in a manner that clearly demonstrates compliance with this chapter. The Land Use Authority may require the applicant to submit photometric schematics and attestation from a qualified professional that the submittal complies with this chapter.

**Sec. 108-16-7. – Required replacement of nonconforming outdoor lighting.**

3/1/17

After the effect of this chapter, which is August 1, 2017, all outdoor lighting that does not comply with the requirements of this chapter shall be considered nonconforming outdoor lighting. All nonconforming outdoor lighting shall be phased out in accordance with the following schedule:

- (1) *Lighting conversion.* Except for outdoor lighting for a single-family, two-family, or three-family dwelling in existence or approved on or before August 1, 2017, any nonconforming outdoor artificial light source shall be terminated, replaced, or retrofitted to conform to the requirements of this chapter within five years after the effect of this chapter. The County shall provide frequent public notice of the effect, but no less than one per year. After the effect of this chapter, The county shall employ educational methods and incentives to encourage voluntary compliance prior to this five year period and to assist the public in understanding and complying with this chapter;
- (2) *Lighting replacement.* The replacement of any nonconforming outdoor artificial light source shall comply with the requirements of this chapter;
- (3) *Building exterior modification.* When the replacement of a building's exterior materials exceeds 25 percent of the building's exterior area, excluding roof area, whether by a single modification project or by an accumulation of separate modification projects, all nonconforming outdoor lighting on the premises on or within 25 feet of the building shall be brought into compliance with the requirements of this chapter. This shall not include repainting or re-roofing,
- (4) *Building expansion.* When a building's expansion exceeds the threshold established in this subsection, whether by a single expansion project or by an accumulation of separate expansion projects, all nonconforming outdoor lighting on the premises on or within 25 feet of the building shall be brought into compliance with the requirements of this chapter. The established threshold of expansion shall be the smaller of the following:
  - a. 25 percent of the total area of the building as it exists on August 1, 2017; or
  - b. 2,500 square feet; and
- (5) *Site improvements.* When a site improvement which requires a land use permit, conditional use permit, or design review approval, modifies an area that exceeds the threshold established in this subsection, whether by a single modification project or by an accumulation of separate modification projects, all nonconforming outdoor lighting on the premises shall be brought into compliance with the requirements of this chapter. The established threshold of modification shall be the smaller of the following:
  - a. 25 percent of the site area; or
  - b. 20,000 square feet.

**Sec. 108-16-8. – Violations, enforcement, and implementation.**

- (a) *Violations.* The following constitute violations of this chapter:
  - (1) The installation, maintenance, or operation of any outdoor artificial light source not in compliance with the provisions of this chapter.
  - (2) The alteration of any outdoor artificial light source after a certificate of occupancy has been issued without the review and approval of the Land Use Authority when such alteration does not conform to the provisions of this chapter.
  - (3) Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered in a manner that does not comply with this chapter.
- (b) *Enforcement.* Violations of this chapter are subject to enforcement and penalties as outlined in Section 101-1-13. If the violation constitutes a safety hazard, typical enforcement measures shall be employed. Unless the violation constitutes a safety hazard, enforcement of a violation of this chapter shall be addressed as follows:

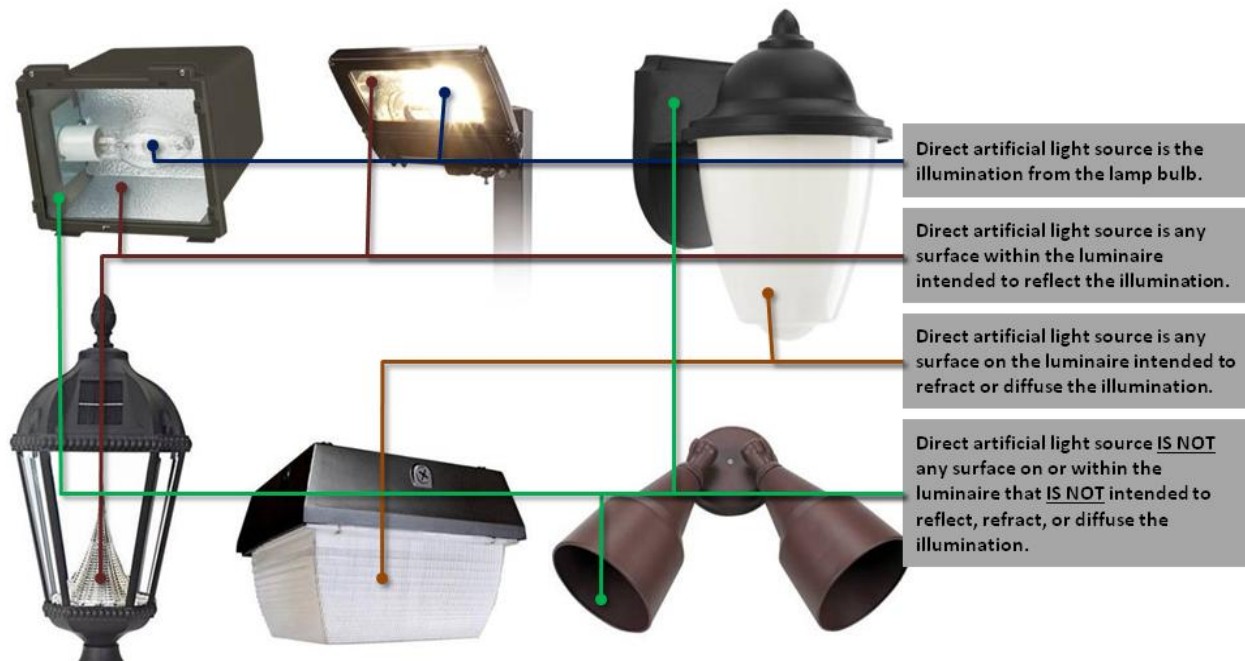


3/1/17

- (1) A courtesy letter shall be sent to the land owner that suggests that there may be noncompliant outdoor lighting on the premises. A second and third courtesy letter shall be sent at least 20 calendar days after the previous courtesy letter if a previous courtesy letter does not either cause the resolution of the violation or cause the landowner to initiate resolution with the County as provided in subsection (b)(3) of this section. Educational information about how to appropriately comply with this chapter shall also be sent and a method of contacting the county for discussion shall be provided in each courtesy letter. The third courtesy letter shall state that it is the last courtesy letter, and future contact will be in the form of a notice to comply.
- (2) No sooner than 30 days after the third courtesy letter is sent, if it did not either cause the resolution of the violation or cause the landowner to initiate resolution with the County as provided in subsection (b)(3) of this section, a notice to comply shall be sent to the land owner. The notice shall include, with specificity, the violation, and shall give the landowner 30 days to comply with this chapter or initiate resolution with the County as provided in subsection (b)(3) of this section. The notice shall also include educational information about how to appropriately comply with this chapter.
- (3) If a landowner initiates resolution of a violation of this chapter with the County, the County shall give the landowner no less than six months and no more than 12 months to comply with this chapter if the landowner clearly demonstrates that good faith efforts will resolve the violation within the six month period given. If the landowner does not clearly demonstrate that good faith efforts will resolve the violation a notice to comply shall be sent to the landowner. The notice shall include, with specificity, the violation and shall give the landowner 30 days to comply with this chapter.
- (4) If, after steps 1-3 of this subsection have been satisfied, a landowner fails to initiate resolution of a violation of this chapter, or fails to comply within the period specified in subsection (b)(3) of this section, typical enforcement measures shall be employed. Additionally, the final approval of current or future plans, the issuance of a certificate of occupancy, or the acceptance of new applications authorized by this Land Use Code may be withheld until compliance with this chapter is demonstrated.
- (c) *Creation of Dark Sky Committee.* The county will create a dark sky committee to include representatives as follows: one Planning Division employee, two Ogden Valley residents at large, two Ogden Valley Business Association members, and one individual from the Ogden Weber Chamber of Commerce. The committee's purpose shall be to advise the county on dark sky best practices, implementation strategies, incentive programs, public/private partnerships, and anything else as the county commission deems necessary.

**Sec. 108-16-9. – Examples of direct artificial light.**

3/1/17



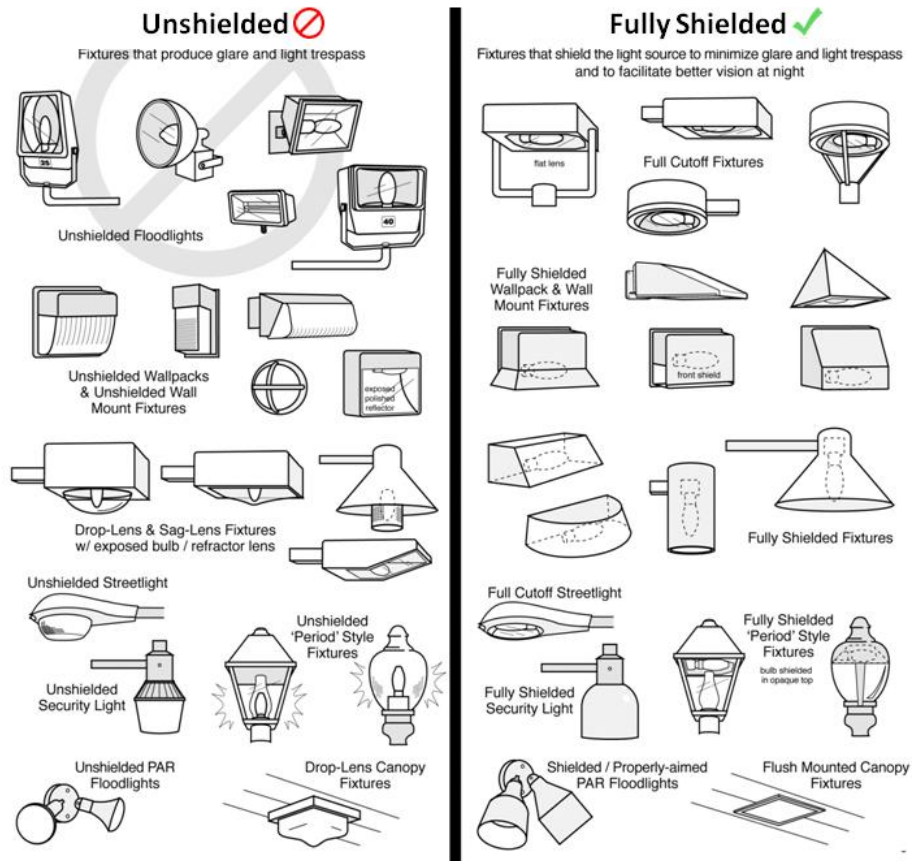
369

370 **Sec. 108-16-10. – Examples of unshielded and shielded light sources.**



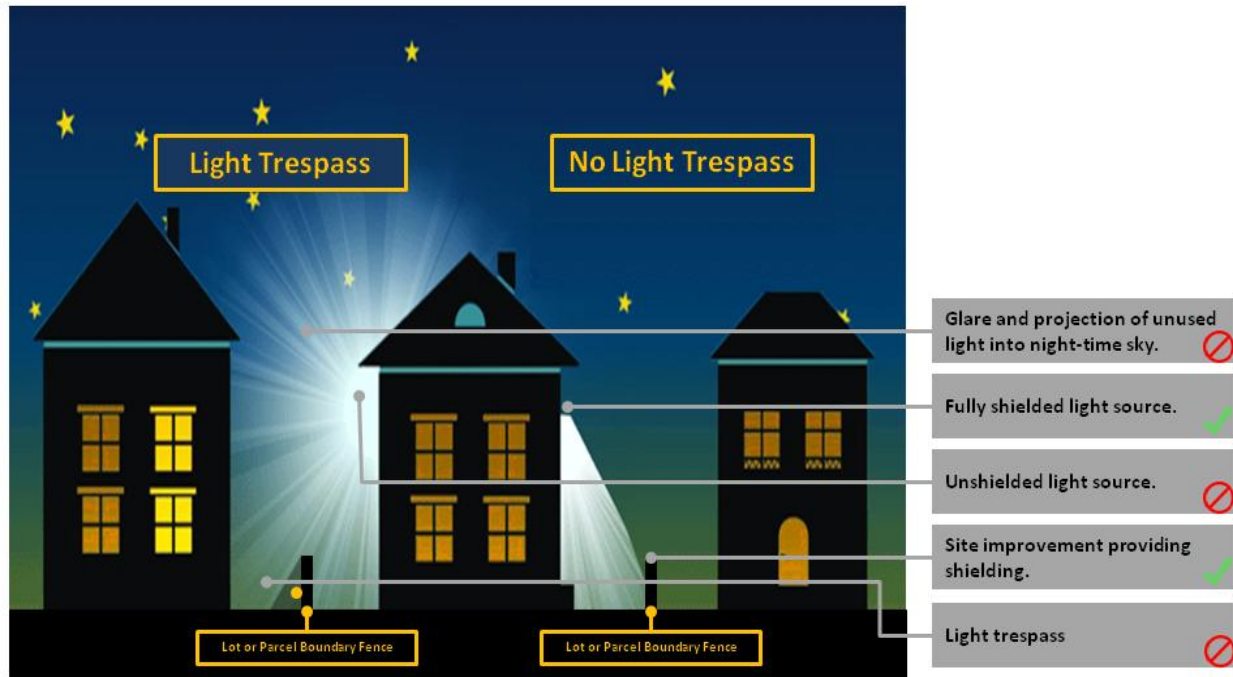
371





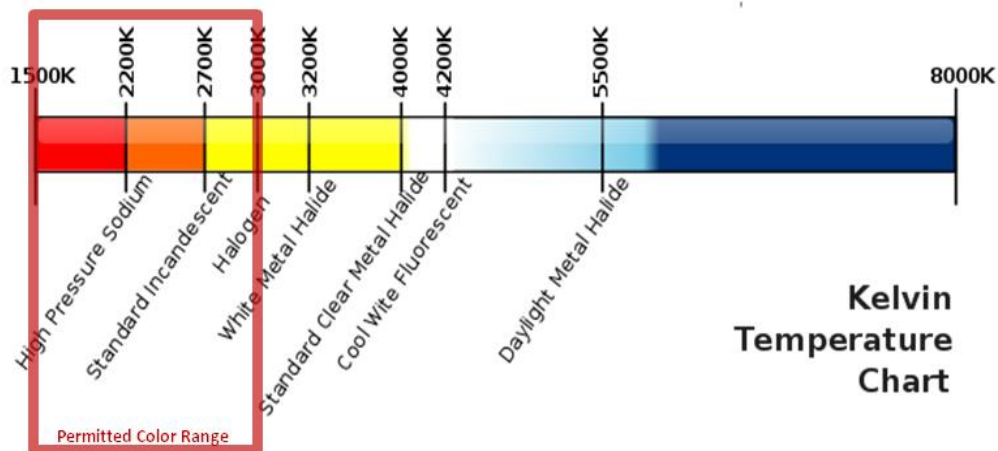
372

373 **Sec. 108-16-11. – Example of light trespass.**



374

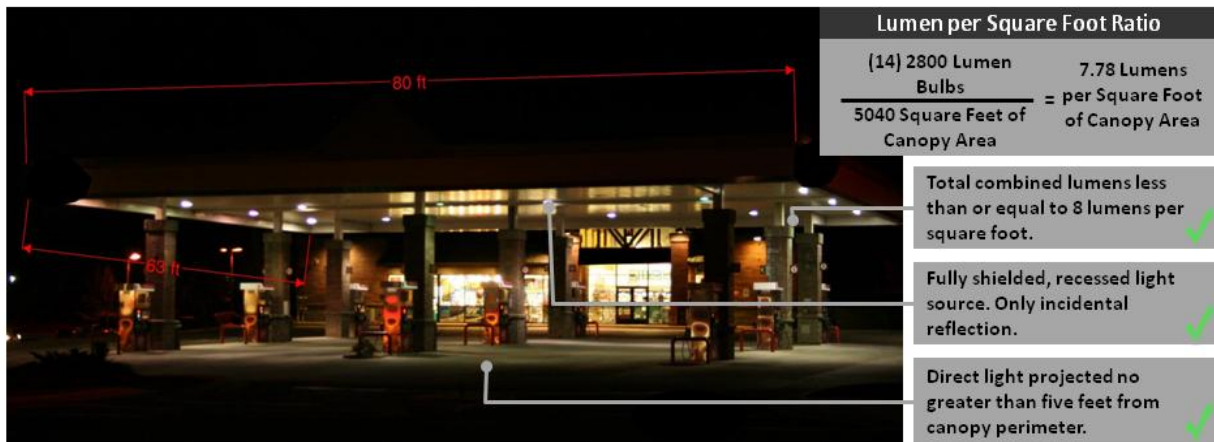
375 **Sec. 108-16-12. – Standard Kelvin temperature chart.**



376

377 **Sec. 108-16-13. – Example of canopy lighting.**

3/1/17



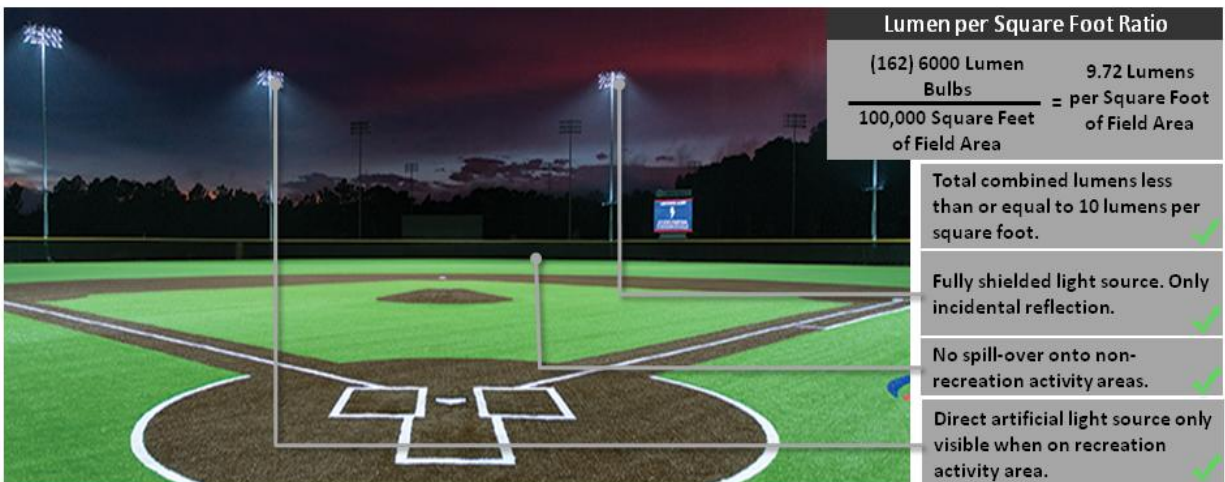
378

379 Sec. 108-16-14. – Example of parking lot lighting.



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381 Sec. 108-16-15. – Example of recreation facility lighting.



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3/1/17

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385 **CHAPTER 2. - OGDEN VALLEY SIGNS**

386 ...

387 **Sec. 110-2-2. - Applicability.**

388 (a) *Permit required.* No person shall erect, alter or relocate any sign without first obtaining a land use  
389 permit, and meeting the standards set forth in this section. Signs conforming to the requirements of  
390 this section which identify seasonal business may be removed for the seasons during which the  
391 business is not in operation, and may be reinstalled without a new permit. All applications for land  
392 use permits shall be accompanied by plans, designs, specifications and drawings stating specifically  
393 all dimensions, lighting (see also Section 108-16-6), colors and plan of installation stating clearances  
394 and setbacks. Land use permits expire six months after issuance if the sign is not erected or altered  
395 pursuant to the permit.

396 ...

397 **Sec. 110-2-4. - Nonconforming signs.**

398 After the effect of this chapter, which is August 1, 2017, any sign that does not comply with the  
399 requirements of this chapter shall be considered a nonconforming sign. A nonconforming sign that is not  
400 defined as a billboard under UCA 17-27a-103 shall be phased out in accordance with the following  
401 schedule:

402 (1) *Sign replacement.* The replacement of any nonconforming sign shall comply with the  
403 requirements of this chapter;

404 (2) *Building exterior modification.* When the replacement of a building's exterior materials exceeds  
405 25 percent of the building's exterior area, excluding roof area, whether by a single modification  
406 project or by an accumulation of separate modification projects, all nonconforming signs on the  
407 premises on or within 25 feet of the building shall be brought into compliance with the  
408 requirements of this chapter. This shall not include repainting or re-roofing,

409 (3) *Building expansion.* When a building's expansion exceeds the threshold established in this  
410 subsection, whether by a single expansion project or by an accumulation of separate expansion  
411 projects, all nonconforming signs on the premises on or within 25 feet of the building shall be  
412 brought into compliance with the requirements of this chapter. The established threshold of  
413 expansion shall be the smaller of the following:

414 a. 25 percent of the total area of the building as it exists on August 1, 2017; or

415 b. 2,500 square feet; and

416 (4) *Site improvements.* When a site improvement which requires a land use permit, conditional use  
417 permit, or design review approval, modifies an area that exceeds the threshold established in  
418 this subsection, whether by a single modification project or by an accumulation of separate  
419 modification projects, all nonconforming signs on the premises shall be brought into compliance  
420 with the requirements of this chapter. The established threshold of modification shall be the  
421 smaller of the following:

422 a. 25 percent of the site area; or

423 b. 20,000 square feet.

424 ...

425 **Sec. 110-2-8. - Prohibited signs.**



3/1/17

...

- (7) Changeable copy signs. Electronic changeable copy signs, except as permitted in 110-2-9(b)(13). Manual changeable copy signs except as permitted in section 110-2-10.

...

**Sec. 110-2-9. - Other signs.**

- (a) The following signs are allowed in all zoning districts in the Ogden Valley of Weber County:

- (1) *Conservation property sign.* A conservation property sign, as defined in Section 101-1-7, may be erected on any property complying with the minimum provisions of the definition. The sign shall either be a monument sign or a freestanding sign (pole sign) in compliance with the following:

- a. *Monument sign.* For a monument sign the width shall be no greater than ten feet and the height shall be no greater than eight feet, with a sign face no greater than 24 square feet.
- b. *Freestanding sign (pole sign).* For a freestanding sign (pole sign) the width shall be no greater than eight feet and the height shall be no greater than ten feet with a sign face no greater than 24 square feet. The sign face shall be mounted between the sign poles, which shall be constructed of timbers that measure at least eight inches by eight inches and extend from the ground to the top of the sign face. The top of the sign face and the bottom of the sign face shall be completely bounded by timbers that have a minimum vertical height of eight inches. When placed adjacent to a street with shoulders that slope downward toward the sign base, a freestanding sign may be installed atop a rock or earthen-berm base that is no greater than three feet in height.
- c. *Example.* The following images are examples of each:



- (2) *Gate or arch sign.* A gate or arch sign situated over the primary entry of a lot or parcel of land, provided that the sign face does not exceed 30 square feet and that the sign provides a vertical clearance of at least 14.5 feet from the driving surface, not to exceed 18 feet in height and a minimum passable width of 20 feet, not to exceed 30 feet pole to pole. Depth of the Arch shall not exceed two feet. A land use permit, to verify compliance with applicable standards, and a building permit to verify proper installation of footings and to ensure wind tolerance, is required.
- (3) *Subdivision entry signs.* An approved, recorded subdivision may locate one sign at each entrance. The sign shall be a ground or monument sign, and shall meet all specifications/requirements for monument signs in Section 110-2-5. In the event the location of

3/1/17

the subdivision entry sign is in a zone not governed by Section 110-2-5, the dimensions of the sign shall be no greater than allowed in the AV-3 zone. The planning commission shall approve location and design style. A double entry sign may be approved by the planning commission where there is a divided center island entry street.

(b) The following signs are allowed in all zoning districts in the Ogden Valley of Weber County, and are exempt from the standards of Section 110-2-12(a):

- (1) *Addressing numbers.* Addressing numbers shall be no more than 12 inches in height. An addressing number sign is also exempt Section 110-2-12(b)(8).
- (2) *Athletic field scoreboard signs.* An athletic field scoreboard sign shall not exceed 120 square feet in any zone. An athletic field scoreboard sign is also exempt from Section 110-2-12(b)(3).
- (3) *Business signs.* No more than one "Open/Closed" and one "Vacancy/No Vacancy" sign, one "Hours of Operation" sign, and one "Credit Card Acceptance" sign, not to exceed a total of four square feet in area, displayed for each business. (4) *Flags.* Official governmental flags of the United States, the State of Utah or Weber County, and which are properly displayed, and provided they are not mounted on a roof or atop other signs. One corporate flag may be displayed along with a proper display of any or all of the official flags listed in this subsection. Flagpole height may not exceed the maximum height allowed in the zone for which it is being placed. If over the height allowed in the zone, the flagpole shall have a conditional use permit approved by the planning commission. Governmental uses, such as libraries and schools, shall be exempt from height requirements of this sub-section.
- (5) *Grand opening signs.* On a one-time basis, a business establishment shall be permitted one banner not to exceed 12 square feet, to be displayed for a period of not more than 30 days.
- (6) *Guidance signs.* Guidance and other informational signs authorized by the Utah Department of Transportation or other governmental agency. A guidance sign is exempt from all of the standards of Section 110-2-12.
- (7) *Historical signs.* Historical name signs for sites and/or structures designated by the board of county commissioners as having historical significance to the county (and as identified in the Ogden Valley Master Plan).
- (8) *Murals.* Murals, when depicted on the sides or rear of a building or storefront, provided that the mural has no connection or advertising context to any business conducted or any product or service offered therein.
- (9) *Nameplate signs.* Nameplate signs not to exceed four square feet that identify the occupants/owners and/or home occupation of a residential property.
- (10) *Private warning signs.* Private warning signs, provided they do not exceed four square feet.
- (11) *Signs on vehicles.* Signs for business identification which may include name, address, and telephone number, not to exceed two feet by three feet upon the side door of a vehicle.
- (12) *Statuary and sculptures.* Freestanding statuary and sculptures which are considered to be works of art and which are placed on private property clearly for the benefit and interest of the general public.
- (13) *Traffic signs.* All signs erected in or adjacent to a public right-of-way by a public agency or in a private road right-of-way for the purpose of controlling or directing traffic. A traffic sign is exempt from all of the standards of Section 110-2-12.

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#### **Sec. 110-2-11. - Temporary sign usage.**

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3/1/17

504 (3) *Additional standards.* The following table applies to temporary sign use:

	General Standards in all Zones			Specific Standards for the Agricultural, Forest and Residential Zones			Specific Standards for the Commercial, Manufacturing and Resort Zones		
Sign Type	Display Period	Removal Required 3 Days After	Land Use Permit or Special Event Permit Required	Maximum Area per Sign Face	Maximum Height of Freestanding Signs (includes support structure)	Number of Signs Permitted per Sign Type	Maximum Area per Sign Face	Maximum Height of Freestanding Signs	Number of Signs Permitted per Sign Type
<b>Occasional Signs:</b>									
Campaign signs	60 days prior to the election	Completion of the election	N	32 square feet	6 feet	No limit	32 square feet	8 feet	No limit
Construction signs	Duration of construction	Completion of construction	N	32 square feet	6 feet	1 per street frontage	64 square feet	12 feet	1 per street frontage
Property/real estate sign	Duration of listing	Closing/lease commencement date	N	8 square feet	6 feet	1 per street frontage	64 square feet	12 feet	1 per street frontage
Short-term vendors § 108-13-3	120 days	End of event	Y/LUP	Not Applicable	Not Applicable	Not Applicable	16 square feet	6 feet if set in the ground or anywhere on the building	2 total per frontage, either a ground sign or on vendor trailer, mobile store, tent, or kiosk
Temporary outdoor sales § 108-13-4	Per state code if applicable or 30 days prior to the event	End of event	Y/LUP	Not Applicable	Not Applicable	Not Applicable	16 feet	6 feet if set in the ground or anywhere on the building	2 per street frontage
Temporary real estate sales office	Duration of construction	Completion of construction	Y/LUP	32 square feet	6 feet	1 per street frontage	Not Applicable	Not Applicable	Not Applicable
Temporary real estate sales office wall sign	Duration of construction	Completion of construction	Y/LUP	20 square feet	N/A	1 sign attached to the office	Not Applicable	Not Applicable	Not Applicable



3/1/17

<b>Continued...</b>	<b>General Standards in all Zones</b>			<b>Specific Standards for the Agricultural, Forest and Residential Zones</b>			<b>Specific Standards for the Commercial, Manufacturing and Resort Zones</b>		
<b>Seasonal Signs:</b>									
Farmer's markets § 108-13-5	June through October	End of event	Y/LUP	32 square feet	10 feet	1 per street frontage	32 square feet	10 feet	1 per street frontage
Fruit and vegetable stand § 104-5-3 (8)	June through October	End of event	Y/LUP	16 square feet	10 feet	1 per street frontage	32 square feet	10 feet	1 per street frontage
Political sign	No limit	No limit	N	16 square feet	10 feet	1 per street frontage	32 square feet	10 feet	1 per street frontage
<b>Event Signs:</b>									
Public event sign	30 days prior to the event	End of event	Y/SEP	4 square feet	3 feet	1 per street frontage	4 square feet	3 feet	1 per street frontage
Public event banner (on public property, over public streets or sidewalks)	30 days prior to the event	End of event	Y/SEP	12 square feet	N/A	1 per street frontage	12 feet	N/A	1 per street frontage
Public event directional sign	30 days prior to the event	End of event	Y/SEP	8 square feet	4 feet	No limit off- premises directional signs	8 square feet	4 feet	No limit off- premises directional signs
Special event sign	60 days prior to the event	End of event	Y/SEP	16 square feet on-site	6 feet	No limit onsite signs, either ground or banner signs	16 square feet onsite	6 feet	No limit on- site signs, either ground or banner signs
Special event banner (on public property)	30 days prior to the event	End of event	Y/SEP	12 square feet	N/A	1 per street frontage	12 square feet	N/A	1 per street frontage
Special event directional sign	1 day prior to the event	End of event	Y/SEP	8 square feet offsite	4 feet	No limit off- premises directional signs	8 square feet offsite	4 feet	No limit off- premises directional signs
Special event off-site sign	30 days prior to the event	End of event	Y/SEP	32 square feet	10 feet	2 offsite per event either a ground sign or banner	32 square feet	10 feet	2 offsite per event either a ground sign or banner

3/1/17

508 **Sec. 110-2-12. - Sign materials and display standards.**

- 509 (a) Sign materials. All materials used to construct signs, supports or fasteners shall conform to the  
510 following standards:
- 511 (1) Signs may be constructed of painted, stained, sandblasted or carved wood, brick, stone,  
512 textured concrete or similar material. Glass (including plexi-glass), metal, or metallic leaf, which  
513 is painted, anodized, or otherwise treated to prevent reflective glare may also be used. Copper,  
514 brass, wrought iron, and other metals may remain untreated and allowed to develop a natural  
515 patina.
- 516 (2) Support structures may be constructed of painted, stained, sandblasted or carved wood, brick,  
517 stone, textured concrete or similar material. Glass, metal, or metallic leaf, which is painted,  
518 anodized, or otherwise treated to prevent reflective glare may also be used. Copper, brass,  
519 wrought iron, and other metals may remain untreated and allowed to develop a natural patina.  
520 Support structures shall use natural, muted earth-tone colors including browns, black, grays,  
521 rusts, etc. White shall not be used as a predominant color, but may be used as an accent.
- 522 (b) *Display standards.* The display of all signs regulated by this Land Use Code shall conform to the  
523 standards of this section.
- 524 (1) *No obstruction permitted.* No sign shall obstruct a clear view to and from traffic along any street  
525 right-of-way, entrance or exit.
- 526 (2) *No projection within right-of-way.* No signs, except traffic signs and similar regulatory notices  
527 shall be allowed to project or be located within a public right-of-way.
- 528 (3) *Illumination.* An illuminated sign, as defined in Section 101-1-7, shall comply with the  
529 requirements of Chapter 108-16 and the following provisions, examples of which are graphically  
530 depicted in Section 110-2-15.
- 531 a. Unless otherwise specified in this subsection, all exterior lighting of a sign shall be  
532 downward directed from the top of the sign, and oriented so as to illuminate only the sign  
533 area, as defined in Section 101-1-7, excluding the supports.
- 534 b. No direct artificial light, as defined in Section 101-1-7, shall be projected from the sign area  
535 or beyond the sign area, including by means of diffusion or refraction through a translucent  
536 or transparent surface. However, direct artificial light, excluding diffused or refracted light,  
537 for a sign area that does not have a frame or separate background, as in the case of a logo  
538 or individual lettering mounted to a wall without a defined sign perimeter, may illuminate or  
539 reflect onto a background surface, such as a wall, beyond the exterior perimeter of the sign  
540 area, provided that:
- 541 1. It shall not exceed six inches beyond the sign area,
- 542 2. It shall be shielded so as not to project light onto any other surface.
- 543 d. Exterior lighting of a sign shall not exceed a ratio of 75 lumens per square foot of sign area.  
544 This ratio shall be calculated by combining the total lumen output of each artificial light  
545 source divided by the square footage of the sign area. See Section 110-2-15 for a graphic  
546 depiction.
- 547 e. The Land Use Authority may require the applicant to submit photometric schematics and  
548 attestation from a qualified professional that the submittal complies with this chapter.
- 549 (4) *Wall signs mounted on parapets.* A wall sign mounted on a parapet wall shall be mounted six  
550 inches or more below the top of the parapet wall.
- 551 (5) *No imitation of traffic signs.* Signs shall not resemble, imitate or approximate the shape, size,  
552 form or color of traffic signs, signals or devices. Signs shall not obstruct or interfere with the

3/1/17

effectiveness of traffic signs, signals or devices, not be lighted in a way that can cause glare or impair driver visibility upon roads.

- (6) *No prevention of ingress/egress.* Signs shall not be erected, relocated or maintained in such a way that prevents free ingress or egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape.

- (7) *No mounting on natural features.* No signs shall be painted or mounted on trees. No land-form or naturally occurring land feature (rocks, cliff faces, etc.) shall be defaced for purposes of displaying a sign.

- (8) *Clearance.* The clearance of a projecting, canopy or wall sign shall be measured from the lowest edge of the overhang eight feet to the driving or walking surface below.

- (9) *Sign setbacks.*

- a. *Monument and/or ground signs.* Any monument sign or ground sign shall be set back a minimum of ten feet from any property line. Signs fronting on state highways shall be set back ten feet from the right-of-way.

- b. *Projections into public right-of-way.* Projections into the public right-of-way are not allowed, except for signs set by public agencies for safety purposes, such as the state department of transportation.

- c. *Clear view triangle.* Signs shall not be placed within the clear view triangle as defined in title 108, chapter 7 of the Weber County Land Use Code.

- (10) *Landscaping.* The ground area around the base of all ground/monument signs shall be landscaped in accordance with the requirements of applicable chapters of the Weber County Land Use Code. The planning commission may exempt some monument/ground signs from this standard where it is demonstrated, by the owner/developer, that the landscaping would unduly interfere with pedestrian or vehicular traffic, interfere with traffic visibility or for other reasons be impractical.

- (11) *No street frontage.* When a freestanding building, complex or storefront does not face a public street or approved private road, and is accessed via a pedestrian area or common parking and driveway area, the linear footage of building or storefront facing the pedestrian area or common parking area shall substitute for purposes of determining allowable signage.

- (12) *Sign area.* The area of a sign shall be measured as provided in the definition of "sign area" as provided in Section 101-1-7.


...

**Sec. 110-2-15. – Examples of sign illumination.**




Unacceptable color temperature. 


Fully shielded artificial light source.  
No visible direct artificial light. 

Light buffers no more than six inches  
around perimeter of sign area. 




Acceptable color temperature. 

Direct artificial light source projected  
by means of diffusion through  
translucent surface. 

Light buffers no more than six inches  
around perimeter of sign area. 



Lumen per Square Foot Ratio	
1650 Lumen Bulb 33 Square Feet of Sign Area	50 Lumens per Square Foot of Sign Area

Total combined lumens less than or  
equal to 50 lumens per square foot. 

Acceptable color temperature. 

Light only illuminates sign area. 

No visible direct artificial light. 

3/1/17

**Sec. 101-1-7. - Definitions.**

When used in this Code, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:

...

*Custom exempt meat cutting.* The term "custom exempt meat cutting" means the cutting, wrapping, and preparation of meat for human consumption; provided, however, that the source of meat shall be limited to animals that are part of one or more livestock operation(s) in Weber County, and/or wild game.

*Dark sky.* The term "dark sky" means a night-time sky that is substantially free of interference from artificial light.

*Dairy.* The term "dairy" means a commercial establishment for the manufacture or processing of dairy products.

...

*Glamorous camping (glamping), agri-tourism.* The term "agri-tourism glamorous camping (glamping)" means an agri-tourism use/activity that provides the opportunity for agri-tourists to rent, on a nightly basis, fully furnished tents and/or rustic cabin sites that are characterized by furnishings, amenities, and comforts offered by that of a luxury hotel room. Furnishings, amenities, and comforts may include but not be limited to, luxurious decor, beds, linens, baths, veranda, spa services, concierge, dining, and chef.

*Glare.* The term "glare" means light, originating from a direct artificial light source, or any light reflected off a reflective surface, that causes visual discomfort or reduced visibility.

*Grade, natural/existing (adjacent ground elevation).* The term "grade, natural/existing (adjacent ground elevation)" means the lowest point of elevation of the finished surface of the natural ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building or structure and a line five feet from the building or structure.

...

*Landscape plan.* The term "landscape plan" means:

- (1) Detailed plans depicting the layout and design for landscaping, including, but not limited to location, height and materials of walls, fences, hedges and screen plantings;
- (2) Ground cover plantings or other surfacing to break monotony of building materials, concrete and asphalt;
- (3) Number, type and mature and planted size of all landscape plantings; method of irrigation, location of water meter, piping, pumps, timers, point of connection and any blow-out or winterizing system; location, type and size of any existing trees over four-inch caliper;
- (4) Location, type and size of any existing landscaping not planned for removal; location, type and size of any decorative lighting systems.

*Light, direct artificial.* The term "direct artificial light" means any light cast directly to an illuminated area from an artificial light source, as defined by this section, or from any surface on or within the artificial light source's luminaire that is intended to reflect, refract, or diffuse light from the artificial light source. This does not include light reflected, refracted, or diffused from other surfaces such as nonreflective surfaces on or within the luminaire, or the ground or adjacent walls, provided those surfaces are not primarily intended for the reflection, refraction, or diffusion of the artificial light source. See also Section 108-16-9 for a graphic depiction.

3/1/17

Light pollution. The term "light pollution" means any artificial light that is emitted either directly or indirectly by reflection that alters the appearance of the night-time sky; interferes with astronomical observations; interferes with the natural functioning of native wildlife, or disrupts the community character as defined in the applicable general plan for the area.

Light source, artificial. The term "artificial light source" means the part of a lighting device that produces light. See also Section 108-16-9 for a graphic depiction.

Light trespass. The term "light trespass" means the projection of any light from a direct artificial light outside the lot or parcel boundary or street right-of-way where the artificial light source is located, unless the projection outside the lot or parcel boundary or street right-of-way is intended, wanted, and lawfully permitted. See also Section 108-16-11 for a graphic depiction.

Lighting, outdoor. The term "outdoor lighting" means the illumination of an outdoor area or object by any outdoor artificial light source. Outdoor lighting also includes the illumination of an outdoor area or object by direct artificial light projected from an indoor artificial light source through a window, door, or similar opening.

Lighting, recreation facility. The term "recreation facility lighting" means outdoor lighting used to illuminate the recreation activity area of a stadium, sports field or court, rink, ski area, swimming pool, theater, amphitheater, arena, or any similar use intended for recreational activity. See also Section 108-16-15 for a graphic depiction.

Livestock feed yard. The term "livestock feed yard" means a commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale, etc.

...

Qualified professional. The term "qualified professional" means a professionally trained person with the requisite academic degree, experience and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.

...

Sign, area. The term "area-sign sign area" means the area of a sign that is used for display purposes, including the minimum frame and supports. In computing sign area, only one side of back to back signs covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than 45 degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

Sign face. The term "sign face" means the area of a sign that is designed to present or convey a message or attract attention, exclusive of structural support members.

...

Sign. The term "sign" means any object, device, display, or structure, or part thereof that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including, but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

Sign, advertising. The term "advertising sign" means an off-premises sign 20 square feet or less in area.

Sign, animated. The term "animated sign" means a sign employing actual motion, the illusion of motion or light and/or color changes achieved through mechanical, electrical or electronic means.

~~Sign, area. The term "area-sign" means the area of a sign that is used for display purposes, including the minimum frame and supports. In computing sign area, only one side of back to back signs covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an~~



3/1/17

~~angle of not more than 45 degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.~~

*Sign, athletic field scoreboard.* The term "athletic field scoreboard sign" means a sign which is erected at a public or private park or public or private school for the purpose of providing game scores or other information about the game in progress. Advertising by the sign donor shall be limited to 50 percent of the total sign area.

...

*Sign, conservation property.* The term "conservation property sign" means a sign that is placed on a parcel with a minimum area of ten acres that is encumbered by a conservation easement held by an organization or government entity as authorized by UCA §57-18-3.

...

*Sign, development.* The term "~~sign, development~~development sign" means a temporary business sign identifying a construction project or subdivision development. The sign may contain the name of the project, name and an address of the construction firms, architect and developer.

~~...Sign, face. The term "face sign" means the area of a sign that is designed to present or convey a message or attract attention, exclusive of structural support members.~~

...

*Sign, freestanding (pole sign).* The term "freestanding sign (~~pole sign~~)" or "pole sign" means any sign supported by ~~a single~~one or more poles or a support that is placed on or anchored in the ground and that is independent, unattached, or not braced from any building or other structure.

...

*Sign, illuminated.* The term "illuminated sign" means a sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign ~~proper~~.

...

~~*Sign, pole.* The term "pole sign" means a freestanding sign that is mounted atop one or more poles and not attached or braced by any other structure.~~ See sign, freestanding.

...

## CHAPTER 16. - OGDEN VALLEY OUTDOOR LIGHTING

### Sec. 108-16-1. - Purpose and intent.

The purpose and intent of this chapter is to promote the community character of the Ogden Valley, as provided for in the Ogden Valley General Plan, by providing regulations and encouragement for the preservation of a dark sky. This chapter is also intended to promote the health, safety, and general welfare of Ogden Valley residents and visitors by:

- (1) Reducing, eliminating, or preventing light trespass;
- (2) Reducing, eliminating, or preventing unnecessary or inappropriate outdoor lighting;
- (3) Reducing, eliminating, or preventing the effects of outdoor lighting on wildlife;
- (4) Preventing unsightly and unsafe glare;
- (5) Promoting energy conservation;
- (6) Maintaining nighttime safety, utility, and security;
- (7) Encouraging a minimal light footprint of land uses in order to reduce light pollution; and

3/1/17

- (8) Promoting and supporting astrotourism and recreation, including the pursuit or retention of accreditation of local parks by the International Dark Sky association.

~~In order to preserve the rural character and public values of the Ogden Valley, this chapter is intended to regulate the permitted use of outdoor artificial illuminating devices emitting undesirable rays into the night sky, glare to oncoming traffic, intrusion of light onto adjacent properties, and light pollution in general, which may have a detrimental effect on the welfare and safety of the populace, as well as the ambiance and rural character of the valley.~~

**Sec. 108-16-2. - Applicability.**

- (a) New outdoor lighting. Except as provided in subsection (c) below, all outdoor lighting installed after August 1, 2017, shall conform to the requirements established by this chapter. This chapter does not apply to indoor lighting except as defined by "outdoor lighting" in Section 101-1-7.

- (b) Existing outdoor lighting. Except as provided in subsection (c) below, 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 phased out as outlined in Section 108-16-7 of this chapter.

- (c) Lighting for residential use. Except as may be provided in Section 108-16-7, the lighting standards of this chapter are not mandatory for a single-family, two-family, or three-family dwelling in existence or approved on or before August 1, 2017. The county shall employ educational methods and incentives to encourage voluntary compliance for these residential uses. For the purpose of facilitating education and for tracking the effect of not applying a mandate, the county may require submittal of final lighting plans for residential uses pursuant to 108-16-6(b)(1); if required, final lighting plans shall be submitted either at the time of application submittal or prior to certificate of occupancy, at the Planning Director's determination. The county may also require the applicant to sign an acknowledgement of review of educational materials.

- (d) Conflict. Should this chapter be found to be in conflict with other sections of this code, the more restrictive shall apply.

~~This chapter applies to commercial, industrial, multifamily, public and quasi-public uses.~~

**~~Sec. 108-16-3. - Conformance with applicable regulations.~~**

- ~~(a) All outdoor artificial illuminating devices, unless exempted, shall be installed in conformance with the provisions of this chapter, the Land Use Code, and any building codes which may hereafter be enacted, as applicable.~~

- ~~(b) Where any provisions of any of the state code or any federal law, or any companion land use ordinance comparatively conflicts with the requirements of this outdoor light control ordinance, the most restrictive shall be applied.~~

**~~Sec. 108-16-4. - Definitions.~~**

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Individual means any private individual, tenant, lessee, owner, or any commercial entity including but not limited to companies, partnerships, joint ventures, or corporations.~~

~~Installed means the initial installation of outdoor light fixtures defined herein, following the effective date of the ordinance from which this chapter is derived but shall not apply to those outdoor light fixtures installed prior to such date, unless such light fixtures are replaced or significantly, structurally altered.~~

~~Outdoor light fixtures means outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to lights for:~~



3/1/17

~~(1) Building and structures;~~

~~(2) Recreation areas;~~

~~(3) Parking lot lighting;~~

~~(4) Landscape lighting;~~

~~(5) American Flag;~~

~~(6) Advertising or other signage;~~

~~(7) Street lighting; and/or~~

~~(8) Festive lighting:~~

~~a. Festive, festoon or strings of lights, which are suspended from an electrical conductor or messenger cable, between two points, and limited to small individual bulbs on a string where the spacing of bulbs is not closer than three inches and where the output per bulb is no greater than four watts.~~

~~b. Festive lighting may be used to outline structures and landscaping; however, they shall not blink, flash or simulate motion. Festive lights are encouraged to be turned off by 10:00 p.m. or after close of the individual's business hours.~~

~~c. Festive lighting, as defined in subsection (8)a of this section is exempt from other requirements of this chapter.~~

**Sec. 108-16-3. - General standards.**

(a) *Light shielding and direction.* Unless specifically exempted in Section 108-16-5, all outdoor lighting shall be fully shielded and downward directed in compliance with the following, examples of which are graphically depicted in Section 108-16-10:

(1) No artificial light source shall project direct artificial light into the night-time sky;

(2) No artificial light source shall be placed at a location, angle, or height that creates a light trespass, as defined in Section 101-1-7 and graphically depicted in Section 108-16-11.

(3) The shielding shall be made of completely opaque material such that light escapes only through the bottom. Shielding that is translucent, transparent, has perforations or slits of any kind, or allows light to escape through it in any other manner is not permitted.

(4) Shielding may be attained by light fixture design, building design, or other site design features such as fencing, walls, landscaping, or other screening, provided it is in strict compliance with (1) through (3) of this subsection.

(b) *Light color.* Unless otherwise specified in this chapter, the color of any outdoor lighting artificial light source shall be equal to or less than 3000K, in accordance with the standard Kelvin temperature chart, as graphically depicted in Section 108-16-12.

**Sec. 108-16-45. - General Specific requirements standards.**

In addition to the general standards of Section 108-16-3, The following are specific standards that apply to all commercial, industrial, manufacturing, public and quasi public, institutional, multifamily, recreation, and resort uses:

(1) *Light curfew.* Unless exempt in Section 108-16-5, and except for residential uses, all outdoor lighting shall be turned off by 10:00pm, or, if applicable, within one hour after the close of business, whichever is later, except the following:

a. Lighting to illuminate the entrance of the building;

b. Safety lighting of parking lots and pedestrian areas;

3/1/17

- 219 c. Lighting necessary for after-hours business.
- 220 (2) Flashing or flickering light. No flickering or flashing lights shall be permitted.
- 221 (3) Canopy lighting. All direct artificial light sources shall be sufficiently recessed so as not to  
222 project direct light greater than five feet from the outside perimeter of the canopy, and shall not  
223 produce more than a ratio of 8 lumens per square foot of canopy area. This ratio shall be  
224 calculated by combining the total lumen output of each artificial light source and dividing by the  
225 square footage of the canopy. See Section 108-16-13 for a graphic depiction.
- 226 (4) Parking lot lighting. All artificial light sources in open-air parking lots shall not exceed a ratio of  
227 two lumens per square foot of parking lot area. This ratio shall be calculated by combining the  
228 total lumen output of each artificial light source divided by the square footage of the parking lot  
229 area. See Section 108-16-14 for a graphic depiction.
- 230 (5) Recreation facility lighting. Recreation facility lighting, as defined in Section 101-1-7, shall  
231 comply with the following:
- 232 a. The lighting for the recreation activity area shall only be directed onto the area where  
233 the recreation activities are occurring. It shall not be allowed to illuminate surfaces that  
234 are not essential to the function of the recreation activity.
- 235 b. The lighting shall not exceed a ratio of 10 lumens per square foot of recreation activity  
236 area. This ratio shall be calculated by combining the total lumen output of each artificial  
237 light source divided by the square footage of the recreation activity area. See Section  
238 108-16-15 for a graphic depiction.
- 239 c. The recreation activity area shall be lit only when it is in use.
- 240 d. The light color standard of 108-16-3 does not apply to lighting for the recreation activity  
241 area.
- 242 (6) Sign lighting. Sign lighting shall comply with the requirements of 110-2-12.
- 243
- 244 ~~(a) Shielding. All exterior illumination devices, except those exempt from this chapter, and those~~  
245 ~~regulated by subsection (c) of this section, shall be fully or partially shielded as required in~~  
246 ~~subsection (c) of this section.~~
- 247 ~~(1) The term "fully shielded" shall mean that those fixtures shall be shielded in such a manner that~~  
248 ~~light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are~~  
249 ~~projected below a horizontal plane running through the lowest point on the fixture where light is~~  
250 ~~emitted.~~
- 251 ~~(2) The term "partially shielded" shall mean that those fixtures shall be shielded in such a manner~~  
252 ~~that the bottom edge of the shield is below the plane centerline of the light source (lamp),~~  
253 ~~minimizing light above the horizontal.~~
- 254 ~~(b) Filtration.~~
- 255 ~~(1) Those outdoor light fixtures requiring a filter in subsection (c) of this section shall be equipped~~  
256 ~~with a filter whose transmission is less than five percent total emergent flux at wavelengths less~~  
257 ~~than 3,900 angstroms. Total emergent flux is defined as that between 3,000 and 7,000~~  
258 ~~angstrom units.~~
- 259 ~~(2) It is recommended that existing mercury vapor fixtures shall be equipped with a filter whose~~  
260 ~~transmission is less than ten percent total emergent flux at wavelengths less than 4,400~~  
261 ~~angstroms.~~
- 262 ~~(3) Low pressure sodium lamps are the preferred lamp for minimizing adverse effects on~~  
263 ~~astronomical observations.~~

3/1/17

264 ~~(c) Requirements for shielding and filtering. The requirements for the shielding and filtering light~~  
 265 ~~emissions from outdoor light fixtures shall be as set forth in the following table:~~

<del>Requirements for Shielding and Filtering</del>		
<del>Fixture Lamp Type</del>	<del>Shielded</del>	<del>Filtered (4)</del>
<del>Low pressure sodium (1)</del>	<del>Partially</del>	<del>None</del>
<del>High pressure sodium</del>	<del>Fully</del>	<del>None</del>
<del>Metal halide (6)</del>	<del>Fully</del>	<del>Yes</del>
<del>Fluorescent</del>	<del>Fully</del>	<del>Yes (2)</del>
<del>Quartz (3)</del>	<del>Fully</del>	<del>None</del>
<del>Incandescent greater than 100 W</del>	<del>Fully</del>	<del>None</del>
<del>Incandescent less than 100 W</del>	<del>None</del>	<del>None</del>
<del>Mercury vapor</del>	<del>Fully (7)</del>	<del>Yes (7)</del>
<del>Gas filled tubes (neon, argon, krypton)</del>	<del>None</del>	<del>None</del>
<del>Natural gas/fossil fuels</del>	<del>None</del>	<del>None</del>
<del>Other source</del>	<del>As approved by the planning commission</del>	

266 -

267 ~~Footnotes—~~

268 ~~(1) This is the preferred light source to minimize undesirable light into the night sky affecting~~  
 269 ~~astronomical observations.~~

270 ~~(2) Warm white and natural lamps are preferred to minimize detrimental effects.~~

271 ~~(3) For the purposes of the chapter, quartz lamps shall not be considered an incandescent light~~  
 272 ~~source.~~

273 ~~(4) Most glass, acrylic or translucent enclosures satisfy these filter requirements.~~

274 ~~(5) Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated~~  
 275 ~~from within do not require shielding.~~

3/1/17

(6) ~~Metal halide display lighting shall not be used for security lighting after 11:00 p.m. (or after closing hours if before 11:00 p.m.) unless fully shielded. Metal halide lamps shall be in enclosed luminaries.~~

(7) ~~Recommended for existing fixture. The installation of mercury vapor fixtures is prohibited effective 90 days after the effective date of adoption of the ordinance from which this chapter is derived.~~

**~~Sec. 108-16-6. Side yard requirements.~~**

~~Lighting within side yards shall not exceed two foot-candles of illumination at the property line, and shall not exceed one-half foot-candle within ten feet over the adjacent property line.~~

**~~Sec. 108-16-7. Prohibitions.~~**

The following uses are prohibited by this chapter:

(1) ~~Searchlights.~~ The operation of searchlights for advertising purposes is prohibited.

(2) ~~Recreational facility.~~ No outdoor recreational facility, public or private, shall be illuminated by nonconforming means after 11:00 p.m., except to conclude a specific recreational or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 p.m.

(3) ~~Outdoor building or landscaping illumination.~~ The unshielded outdoor illumination of any building, landscaping, American flag, signage or other purpose is prohibited except with incandescent fixtures less than 100 watts.

(4) ~~Mercury vapor.~~ The installation of mercury vapor fixtures is prohibited effective 90 days after the effective date of the ordinance from which this chapter is derived.

**Sec. 108-16-58. - Permanent eExemptions.**

The following artificial light sources are exemptions exempt from apply to thethe provisions in requirements of this chapter:

(1) Agricultural lighting. Lighting for agricultural uses.

(2) Federal and state flag lighting. The outdoor lighting of a United States or State of Utah official flag, provided it is in compliance with the following:

a. The light shall be downward directed from the top of the flag pole;

b. The light shall be as narrow a beam as possible and aimed and shielded to illuminate, to the best effort practicable, only the area which the flag occupies in all wind conditions; and

c. The light level shall be minimized to create the least amount of impact on the dark sky, while still offering noticeable illumination of the flag;

(3) Federal and state facilities lighting. ~~Those facilities and lands owned, operated as protected by the U.S. Federal Government or the State of Utah are exempted by law from all requirements of this chapter.~~ Federal and state facilities are exempt from the requirements of this chapter. However, they are encouraged to cooperate and to coordinate with the County the construction of their facilities in compliance with this chapter;

(4) Fossil fuel lighting. Fossil fuel light, produced directly by the combustion of natural gas or other utility-type fossil fuels;

~~Fossil fuel light. Produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels~~

(5) Holiday or festive lighting. Holiday or festive outdoor lighting for residential uses, provided it is in compliance with the following:

a. That the lighting shall not create a hazard or glare nuisance; and

3/1/17

b. That the lighting shall be temporary in nature and not permanently installed. It shall be removed within a reasonable time after the end of the holiday or festive event, but at least once per year;

(6) Low output light source. An artificial light source having an output equal to or less than one hundred five lumens, provided that the cumulative lumen output of all low output light sources shall not exceed a ratio of one and a half lumens per square foot of cumulative area intended to be illuminated. This ratio shall be calculated by combining the total lumen output of each low output light source divided by the square footage of the area intended to be illuminated. The low output light sources shall be distributed across the area intended to be illuminated and not organized in a focused location;

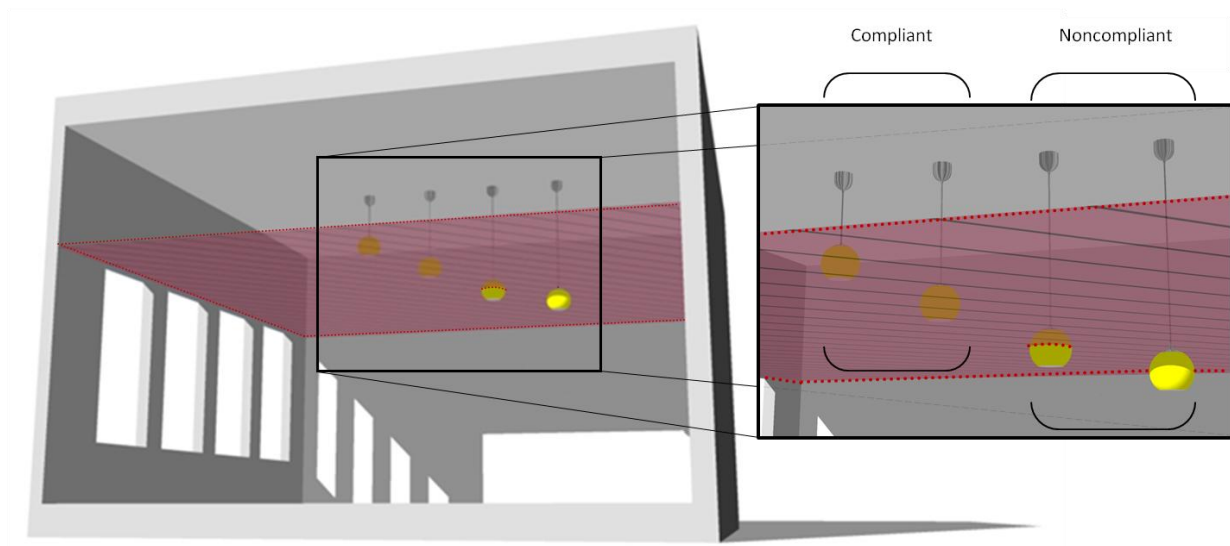
(7) Mobile lighting. Lighting affixed to a vehicle, provided the lighting is not intended for the stationary illumination of an area;

(8) Motion sensor controlled light source. An artificial light source that has a light output equal to or less than nine hundred lumens and is controlled by a motion sensor, provided it is in compliance with the following:

a. That the motion sensor is set to turn the artificial light source off 10 minutes after the last detection of motion; and

b. That the artificial light source is sufficiently shielded in a manner that prevents glare on adjacent properties or roadways;

(9) Outdoor lighting projected from indoors. An artificial light source that is projected from indoors to outdoors through windows, doors, or similar openings, provided that this exemption only applies to direct artificial light when it is positioned above an imaginary line that extends horizontally from the top of any window, door, or similar opening. Light-blocking shades, blinds, or similar coverings may be used to satisfy this standard. In the following example the two pendant lights on the left are above the horizontal, while the two pendant lights to the right extend below the horizontal and are not permitted:



3/1/17

(10) Safety or security lighting. For the sole purpose of mitigating legitimate and verifiable safety or security hazards, the Land Use Authority may exempt an artificial light source if it is shown to be necessary. The Land Use Authority may apply reasonable conditions to ensure optimal compliance with the purpose and intent of this chapter. Evidence demonstrating that it is necessary shall be one or both of the following:

- a. Submitted proof of lighting requirements from a property insurance company that demonstrates that compliance with this chapter will render the property uninsurable. The minimum amount of lighting required by the property insurance company shall be considered the maximum for the purposes of this chapter; or
- b. Submitted reasonable research findings, from a qualified professional, as defined by Section 101-1-7, that offer a compelling argument for the need for the exemption. However, if the Land Use Authority is aware of other research findings that refute what is submitted, then the Land Use Authority must determine which research findings are more persuasive under the circumstances. If the Land Use Authority grants the exemption, then the minimum amount of lighting necessary to ensure appropriate safety or security, as recommended by the qualified professional, shall be considered the maximum for the purposes of this chapter;

(11) Occasional event lighting. Outdoor lighting intended for an occasional event, such as a wedding, party, social gathering, or other similar event that occurs on an occasional basis, provided it is in compliance with the following:

- a. Occasional event lighting shall be turned off by 10:30pm and any remaining lighting shall comply with this chapter; and
- b. Occasional events shall not occur more than twice per month;

(12) Underwater lighting. Underwater lighting in a swimming pool or other water feature provided it is not intended to illuminate features above water;

(13) Temporary public agency lighting. Temporary outdoor lighting in use by law enforcement or a government agency or at their direction;

(14) Tower lighting. Tower lighting required by the FAA or the FCC, provided that it shall not exceed the minimum requirements of those agencies. Collision markers shall have a dual mode for day and night to minimize impact to the night sky and migrating birds; and

(15) Traffic control devices. Traffic control devices and signals.

~~(3) Residential and agriculture.~~ Single-family dwellings, two-family dwellings and agricultural uses shall be exempt from requirements of this chapter.

~~(4) Variance.~~ The board of adjustment may grant a special exemption to the requirements of section 108-16-5 only upon written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that would suffice.

#### **Sec. 108-16-~~69~~. - Procedures for compliance.**

(a) Applications. Any application for a permit or approval required by this Land Use Code shall contain evidence that the proposed work complies with this chapter. ~~Any applicant for a land use permit and/or building permit, intending to install outdoor lighting fixtures shall, as a part of said application, submit evidence that the proposed work will comply with this chapter.~~

~~(1) All other individuals intending to install outdoor lighting fixtures shall submit an application to the county planning commission providing evidence that the proposed work will comply with this chapter.~~

3/1/17

~~(2) Utility companies entering into a duly approved contract with the county in which they agree to comply with the provisions of these regulations, shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting.~~

(b) *Contents of application or submittal.*

(1) In addition to the specific application requirements elsewhere in this Land Use Code, the application submittal shall contain but shall not necessarily be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in the Weber County Land Use Code upon application for the required permits:

- a. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices, etc. of all artificial light sources on the premises, including their height above the ground.
- b. Description of the each artificial light source illuminating devices, fixtures, lamps, device, and supporting structures and other devices, etc.. This description may include, but is not limited to, device specifications from the manufacturer, drawings, details, and cross sections, when available. s catalog cuts, and drawings (including sections where applicable).

(2) The required plans and descriptions set forth in subsection (b)-(1) of this section shall be complete and shall be presented in a manner that clearly demonstrates compliance with this chapter. The Land Use Authority may require the applicant to submit photometric schematics and attestation from a qualified professional that the submittal complies with this chapter. sufficiently complete to enable the county planning director to readily determine whether compliance with the requirements of this chapter will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing laboratory.

~~(c) Issuance of permit. Upon compliance with the requirements of this chapter, the county planning director shall issue a permit for installation of the outdoor lighting fixtures, to be installed as in the approved application. In the event the application is part of the land use permit and/or building permit or site design review, the issuance of the land use permit and/or building permit will be made if the applicant is in compliance with this chapter as well as the other requirements for issuance under the Land Use Code. Appeal procedures of this chapter are through the planning commission.~~

~~(d) Amendment to permit. Should the applicant desire to substitute outdoor light fixtures or lamps, or cause any change in the approved design, after a permit has been issued, the applicant shall submit all changes to the planning commission for approval, with adequate information to assure compliance with this chapter.~~

#### **Sec. 108-16-XX7. – Nonconforming lighting and amortization. Required replacement of nonconforming outdoor lighting.**

After the effect of this chapter, which is August 1, 2017, all outdoor lighting that does not comply with the requirements of this chapter shall be considered nonconforming outdoor lighting. All nonconforming outdoor lighting shall be phased out in accordance with the following schedule:

(1) Lighting conversion. Except for outdoor lighting for a single-family, two-family, or three-family dwelling in existence or approved on or before August 1, 2017, any nonconforming outdoor artificial light source shall be terminated, replaced, or retrofitted to conform to the requirements of this chapter within five years after the effect of this chapter. The County shall provide frequent public notice of the effect, but no less than one per year. After the effect of this chapter, The county shall employ educational methods and incentives to encourage voluntary compliance prior to this five year period and to assist the public in understanding and complying with this chapter;



3/1/17

(2) Lighting replacement. The replacement of any nonconforming outdoor artificial light source shall comply with the requirements of this chapter;

(3) Building exterior modification. When the replacement of a building's exterior materials exceeds 25 percent of the building's exterior area, excluding roof area, whether by a single modification project or by an accumulation of separate modification projects, all nonconforming outdoor lighting on the premises on or within 25 feet of the building shall be brought into compliance with the requirements of this chapter. This shall not include repainting or re-roofing.

(4) Building expansion. When a building's expansion exceeds the threshold established in this subsection, whether by a single expansion project or by an accumulation of separate expansion projects, all nonconforming outdoor lighting on the premises on or within 25 feet of the building shall be brought into compliance with the requirements of this chapter. The established threshold of expansion shall be the smaller of the following:

- a. 25 percent of the total area of the building as it exists on August 1, 2017; or
- b. 2,500 square feet; and

(5) Site improvements. When a site improvement which requires a land use permit, conditional use permit, or design review approval, modifies an area that exceeds the threshold established in this subsection, whether by a single modification project or by an accumulation of separate modification projects, all nonconforming outdoor lighting on the premises shall be brought into compliance with the requirements of this chapter. The established threshold of modification shall be the smaller of the following:

- a. 25 percent of the site area; or
- b. 20,000 square feet.

**Sec. 108-16-8. – Violations, enforcement, and implementation.**

(a) Violations. The following constitute violations of this chapter:

(1) The installation, maintenance, or operation of any outdoor artificial light source not in compliance with the provisions of this chapter.

(2) The alteration of any outdoor artificial light source after a certificate of occupancy has been issued without the review and approval of the Land Use Authority when such alteration does not conform to the provisions of this chapter.

(3) Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered in a manner that does not comply with this chapter.

(b) Enforcement. Violations of this chapter are subject to enforcement and penalties as outlined in Section 101-1-13. If the violation constitutes a safety hazard, typical enforcement measures shall be employed. Unless the violation constitutes a safety hazard, enforcement of a violation of this chapter shall be addressed as follows:

(1) A courtesy letter shall be sent to the land owner that suggests that there may be noncompliant outdoor lighting on the premises. A second and third courtesy letter shall be sent at least 20 calendar days after the previous courtesy letter if a previous courtesy letter does not either cause the resolution of the violation or cause the landowner to initiate resolution with the County as provided in subsection (b)(3) of this section. Educational information about how to appropriately comply with this chapter shall also be sent and a method of contacting the county for discussion shall be provided in each courtesy letter. The third courtesy letter shall state that it is the last courtesy letter, and future contact will be in the form of a notice to comply.

(2) No sooner than 30 days after the third courtesy letter is sent, if it did not either cause the resolution of the violation or cause the landowner to initiate resolution with the County as provided in subsection (b)(3) of this section, a notice to comply shall be sent to the land owner.



3/1/17

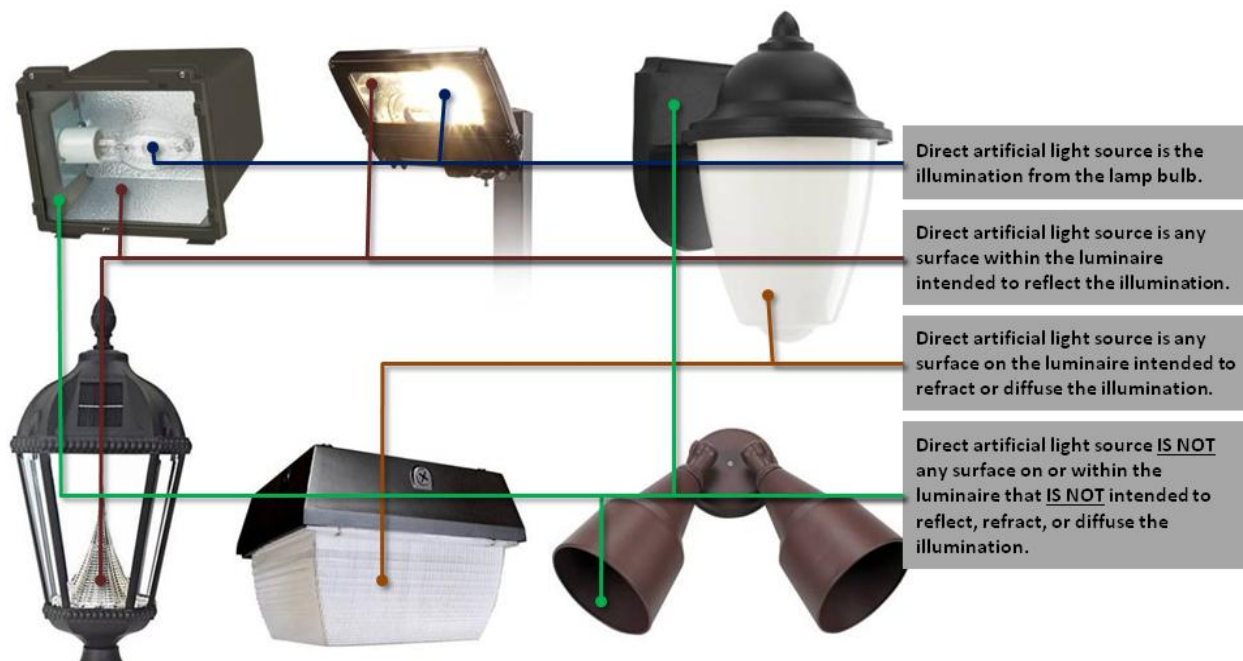
The notice shall include, with specificity, the violation, and shall give the landowner 30 days to comply with this chapter or initiate resolution with the County as provided in subsection (b)(3) of this section. The notice shall also include educational information about how to appropriately comply with this chapter.

(3) If a landowner initiates resolution of a violation of this chapter with the County, the County shall give the landowner no less than six months and no more than 12 months to comply with this chapter if the landowner clearly demonstrates that good faith efforts will resolve the violation within the six month period given. If the landowner does not clearly demonstrate that good faith efforts will resolve the violation a notice to comply shall be sent to the landowner. The notice shall include, with specificity, the violation and shall give the landowner 30 days to comply with this chapter.

(4) If, after steps 1-3 of this subsection have been satisfied, a landowner fails to initiate resolution of a violation of this chapter, or fails to comply within the period specified in subsection (b)(3) of this section, typical enforcement measures shall be employed. Additionally, the final approval of current or future plans, the issuance of a certificate of occupancy, or the acceptance of new applications authorized by this Land Use Code may be withheld until compliance with this chapter is demonstrated.

(c) *Creation of Dark Sky Committee.* The county will create a dark sky committee to include representatives as follows: one Planning Division employee, two Ogden Valley residents at large, two Ogden Valley Business Association members, and one individual from the Ogden Weber Chamber of Commerce. The committee's purpose shall be to advise the county on dark sky best practices, implementation strategies, incentive programs, public/private partnerships, and anything else as the county commission deems necessary.

#### Sec. 108-16-9. – Examples of direct artificial light.

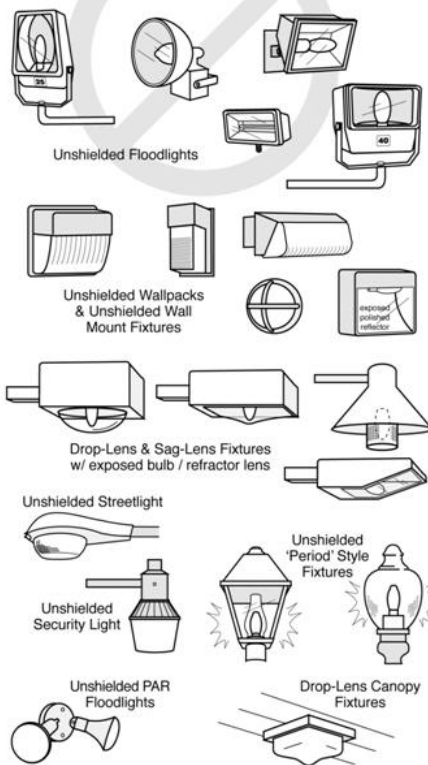


#### Sec. 108-16-10. – Examples of unshielded and shielded light sources.



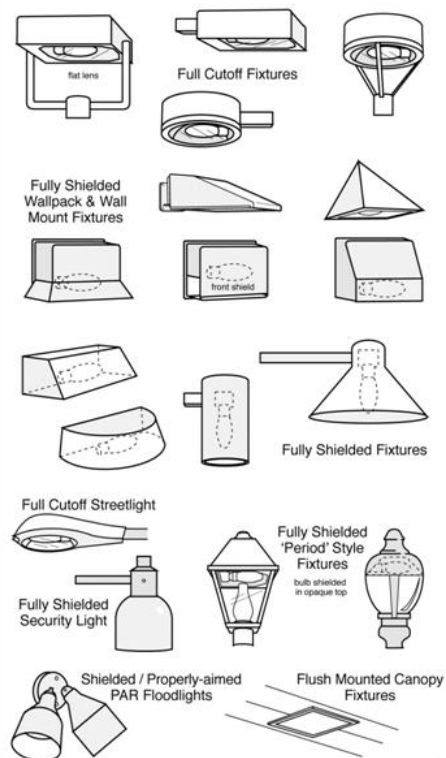
### Unshielded

Fixtures that produce glare and light trespass



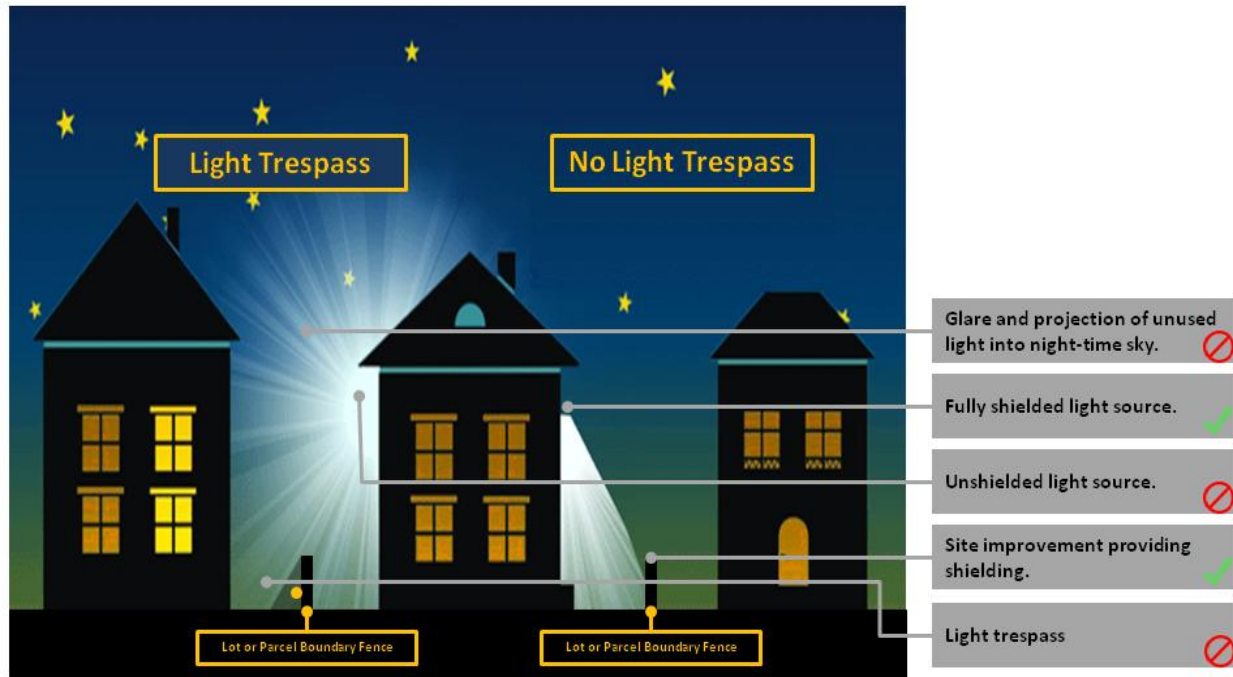
### Fully Shielded

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

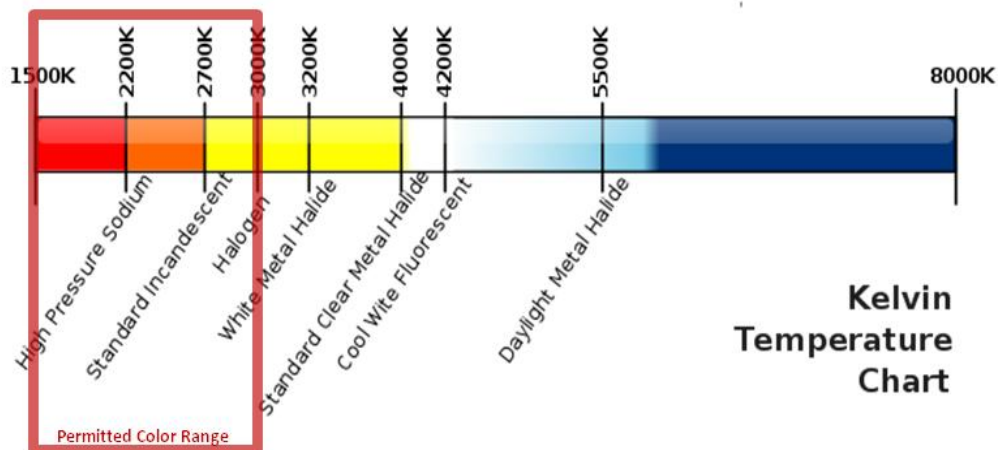


## Sec. 108-16-11. – Example of light trespass.

3/1/17



Sec. 108-16-12. – Standard Kelvin temperature chart.



Sec. 108-16-13. – Example of canopy lighting.

3/1/17



Lumen per Square Foot Ratio	
(14) 2800 Lumen Bulbs	7.78 Lumens per Square Foot of Canopy Area
5040 Square Feet of Canopy Area	

- Total combined lumens less than or equal to 8 lumens per square foot. ✓
- Fully shielded, recessed light source. Only incidental reflection. ✓
- Direct light projected no greater than five feet from canopy perimeter. ✓

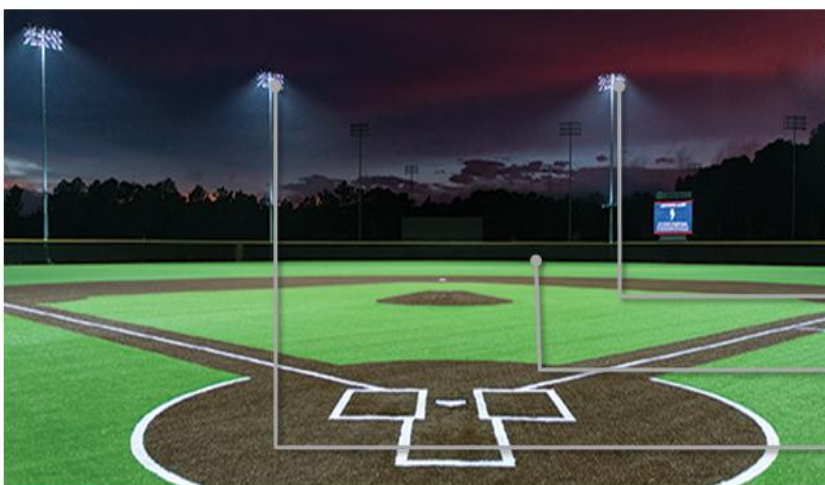
**Sec. 108-16-14. – Example of parking lot lighting.**



Lumen per Square Foot Ratio	
(60) 8000 Lumen Bulbs	1.92 Lumens per Square Foot of Parking Lot Area
250,000 Square Feet of Parking Lot Area	

- Total combined lumens less than or equal to 2 lumens per square foot. ✓
- Parking lot lighting spill-over shielded by wall. ✓
- Direct artificial light source only visible when on parking lot area. ✓
- No spill-over onto non-parking lot area. ✓

**Sec. 108-16-15. – Example of recreation facility lighting.**



Lumen per Square Foot Ratio	
(162) 6000 Lumen Bulbs	9.72 Lumens per Square Foot of Field Area
100,000 Square Feet of Field Area	

- Total combined lumens less than or equal to 10 lumens per square foot. ✓
- Fully shielded light source. Only incidental reflection. ✓
- No spill-over onto non-recreation activity areas. ✓
- Direct artificial light source only visible when on recreation activity area. ✓



3/1/17

**~~16-10. Temporary exceptions.~~**

~~(a) Request for temporary exception. Any individual may submit a written request to the county planning commission, for a temporary exemption to the requirements of this chapter, such exemption to be valid for up to three months. A written request for temporary exception shall contain minimally the following information:~~

- ~~(1) Specific exemptions requested;~~
- ~~(2) Type and use of exterior light involved;~~
- ~~(3) Duration of time for requested exemption;~~
- ~~(4) Type of lamp and calculated lumens;~~
- ~~(5) Total wattage of lamp or lamps;~~
- ~~(6) Proposed location of exterior light;~~
- ~~(7) Previous temporary exceptions, if any;~~
- ~~(8) Physical size of exterior light and type of shielding provided.~~

~~In addition to the above data, the county may request any additional information which would enable a reasonable evaluation of the request for temporary exception.~~

~~(b) Appeal for temporary exemption. An appeal of a decision of the planning commission shall be heard by the board of adjustment.~~

...

**CHAPTER 2. - OGDEN VALLEY SIGNS**

...

**Sec. 110-2-2. - Applicability.**

(a) *Permit required.* No person shall erect, alter or relocate any sign without first obtaining a land use permit, and meeting the standards set forth in this section. Signs conforming to the requirements of this section which identify seasonal business may be removed for the seasons during which the business is not in operation, and may be reinstalled without a new permit. All applications for land use permits shall be accompanied by plans, designs, specifications and drawings stating specifically all dimensions, lighting (see also Section 108-16-6), colors and plan of installation stating clearances and setbacks. Land use permits expire six months after issuance if the sign is not erected or altered pursuant to the permit.

...

**Sec. 110-2-4. - Nonconforming signs.**

~~A sign may be reinstalled which duplicates the original nonconforming sign in dimensions and location. Any changes in size or location shall require conformance to this chapter and the current lighting ordinance. After the effect of this chapter, which is August 1, 2017, any sign that does not comply with the requirements of this chapter shall be considered a nonconforming sign. A nonconforming sign that is not defined as a billboard under UCA 17-27a-103 shall be phased out in accordance with the following schedule:~~

- (1) Sign replacement. The replacement of any nonconforming sign shall comply with the requirements of this chapter;

3/1/17

(2) Building exterior modification. When the replacement of a building's exterior materials exceeds 25 percent of the building's exterior area, excluding roof area, whether by a single modification project or by an accumulation of separate modification projects, all nonconforming signs on the premises on or within 25 feet of the building shall be brought into compliance with the requirements of this chapter. This shall not include repainting or re-roofing.

(3) Building expansion. When a building's expansion exceeds the threshold established in this subsection, whether by a single expansion project or by an accumulation of separate expansion projects, all nonconforming signs on the premises on or within 25 feet of the building shall be brought into compliance with the requirements of this chapter. The established threshold of expansion shall be the smaller of the following:

a. 25 percent of the total area of the building as it exists on August 1, 2017; or

b. 2,500 square feet; and

(4) Site improvements. When a site improvement which requires a land use permit, conditional use permit, or design review approval, modifies an area that exceeds the threshold established in this subsection, whether by a single modification project or by an accumulation of separate modification projects, all nonconforming signs on the premises shall be brought into compliance with the requirements of this chapter. The established threshold of modification shall be the smaller of the following:

a. 25 percent of the site area; or

b. 20,000 square feet.

...

#### Sec. 110-2-8. - Prohibited signs.

...

(7) Changeable copy signs. Electronic changeable copy signs, except as permitted in 110-2-9(b)(13). Manual changeable copy signs except as permitted in section 110-2-10, ~~Special purpose signs.~~

...

#### Sec. 110-2-9. - Other signs.

~~In addition to being regulated by other ordinances and state or federal law, the following signs are only regulated in the following manner:~~

(a) The following signs are allowed in all zoning districts in the Ogden Valley of Weber County:

(1) Conservation property sign. A conservation property sign, as defined in Section 101-1-7, may be erected on any property complying with the minimum provisions of the definition. The sign shall either be a monument sign or a freestanding sign (pole sign) in compliance with the following:

a. Monument sign. For a monument sign the width shall be no greater than ten feet and the height shall be no greater than eight feet, with a sign face no greater than 24 square feet.

b. Freestanding sign (pole sign). For a freestanding sign (pole sign) the width shall be no greater than eight feet and the height shall be no greater than ten feet with a sign face no greater than 24 square feet. The sign face shall be mounted between the sign poles, which shall be constructed of timbers that measure at least eight inches by eight inches and extend from the ground to the top of the sign face. The top of the sign face and the bottom

3/1/17

of the sign face shall be completely bounded by timbers that have a minimum vertical height of eight inches. When placed adjacent to a street with shoulders that slope downward toward the sign base, a freestanding sign may be installed atop a rock or earthen-berm base that is no greater than three feet in height.

c. *Example.* The following images are examples of each:



(2) *Gate or arch sign.* A gate or arch sign situated over the primary entry of a lot or parcel of land, provided that the sign face does not exceed 30 square feet and that the sign provides a vertical clearance of at least 14.5 feet from the driving surface, not to exceed 18 feet in height and a minimum passable width of 20 feet, not to exceed 30 feet pole to pole. Depth of the Arch shall not exceed two feet. A land use permit, to verify compliance with applicable standards, and a building permit to verify proper installation of footings and to ensure wind tolerance, is required.

(3) *Subdivision entry signs.* An approved, recorded subdivision may locate one sign at each entrance. The sign shall be a ground or monument sign, and shall meet all specifications/requirements for monument signs in Section 110-2-5. In the event the location of the subdivision entry sign is in a zone not governed by Section 110-2-5, the dimensions of the sign shall be no greater than allowed in the AV-3 zone. The planning commission shall approve location and design style. A double entry sign may be approved by the planning commission where there is a divided center island entry street.

(b) The following signs are allowed in all zoning districts in the Ogden Valley of Weber County, and are exempt from the standards of Section 110-2-12(a):

(1) *Addressing numbers.* Addressing numbers shall be no more than 12 inches in height. An addressing number sign is also exempt Section 110-2-12(b)(8).

(2) *Athletic field scoreboard signs.* An athletic field scoreboard sign shall not exceed 120 square feet in any zone. An athletic field scoreboard sign is also exempt from Section 110-2-12(b)(3). ~~The planning commission shall approve the location of all scoreboard signs in all zones except commercial and manufacturing zones.~~

(3) *Business signs.* No more than one "Open/Closed" and one "Vacancy/No Vacancy" sign, one "Hours of Operation" sign, and one "Credit Card Acceptance" sign, not to exceed a total of four square feet in area, displayed for each business.

~~(4) *Gate or arch sign.* A gate or arch sign situated over the primary entry of a lot or parcel of land, provided that the sign face does not exceed 30 square feet and that the sign provides a vertical clearance of at least 14.5 feet from the driving surface, not to exceed 18 feet in height and a minimum passable width of 20 feet, not to exceed 30 feet pole to pole. Depth of the Arch shall not exceed two feet. A land use permit, to assure standards are in compliance, and a building permit for proper installation of footings and to ensure wind tolerance, are required.~~



3/1/17

(45) ~~Governmental~~ *Flags*. Official governmental flags of the United States, the State of Utah or Weber County, and which are properly displayed, and provided they are not mounted on a roof or atop other signs. One corporate flag may be displayed along with a proper display of any or all of the official flags listed in this subsection. Flagpole height may not exceed the maximum height allowed in the zone for which it is being placed. If over the height allowed in the zone, the flagpole shall have a conditional use permit approved by the planning commission. Governmental uses, such as libraries and schools, shall be exempt from height requirements of this sub-section.

(56) *Grand opening signs*. On a one-time basis, a business establishment shall be permitted one banner not to exceed 12 square feet, to be displayed for a period of not more than 30 days.

(67) *Guidance signs*. Guidance and other informational signs authorized by the Utah Department of Transportation or other governmental agency. A guidance sign is exempt from all of the standards of Section 110-2-12.

(78) *Historical signs*. Historical name signs for sites and/or structures designated by the board of county commissioners as having historical significance to the county (and as identified in the Ogden Valley Master Plan).

(89) *Murals*. Murals, when depicted on the sides or rear of a building or storefront, provided that the mural has no connection or advertising context to any business conducted or any product or service offered therein.

(409) *Nameplate signs*. Nameplate signs not to exceed four square feet that identify the occupants/owners and/or home occupation of a residential property. ~~Larger residential signs shall comply with the provisions of this Land Use Code.~~

(4410) *Private warning signs*. Private warning signs, provided they do not exceed four square feet.

(4211) *Signs on vehicles*. Signs for business identification which may include name, address, and telephone number, not to exceed two feet by three feet upon the side door of a vehicle.

(4312) *Statuary and sculptures*. Freestanding statuary and sculptures which are considered to be works of art and which are placed on private property clearly for the benefit and interest of the general public.

~~(14) Subdivision entry signs. An approved, recorded subdivision may locate one entry sign at each entrance. The sign shall be of the monument type and meet all specifications/requirements for monument signs in section 110-2-5, Allowable signs by zoning district. The name of the subdivision shall be the only text included on said sign. The planning commission shall approve location and design style. A double entry sign may be approved by the planning commission where there is a divided center island entry street.~~

(4513) *Traffic signs*. All signs erected in or adjacent to a public right-of-way by a public agency or in a private road right-of-way for the purpose of controlling or directing traffic. A traffic sign is exempt from all of the standards of Section 110-2-12.

...

#### Sec. 110-2-11. - Temporary sign usage.

...

(3) *Additional standards*. The following table applies to temporary sign use:

3/1/17

	<u>General Standards in all Zones</u>			<u>Specific Standards for the Agricultural, Forest and Residential Zones</u>			<u>Specific Standards for the Commercial, Manufacturing and Resort Zones</u>		
<u>Sign Type</u>	<u>Display Period</u>	<u>Removal Required 3 Days After</u>	<u>Land Use Permit or Special Event Permit Required</u>	<u>Maximum Area per Sign Face</u>	<u>Maximum Height of Freestanding Signs (includes support structure)</u>	<u>Number of Signs Permitted per Sign Type</u>	<u>Maximum Area per Sign Face</u>	<u>Maximum Height of Freestanding Signs</u>	<u>Number of Signs Permitted per Sign Type</u>
<u>Occasional Signs:</u>	-	-	-	-	-	-	-	-	-
<u>Campaign signs</u>	<u>60 days prior to the election</u>	<u>Completion of the election</u>	<u>N</u>	<u>32 square feet</u>	<u>6 feet</u>	<u>No limit</u>	<u>32 square feet</u>	<u>8 feet</u>	<u>No limit</u>
<u>Construction signs</u>	<u>Duration of construction</u>	<u>Completion of construction</u>	<u>N</u>	<u>32 square feet</u>	<u>6 feet</u>	<u>1 per street frontage</u>	<u>64 square feet</u>	<u>12 feet</u>	<u>1 per street frontage</u>
<u>Property/real estate sign</u>	<u>Duration of listing</u>	<u>Closing/lease commencement date</u>	<u>N</u>	<u>8 square feet</u>	<u>6 feet</u>	<u>1 per street frontage</u>	<u>64 square feet</u>	<u>12 feet</u>	<u>1 per street frontage</u>
<u>Short-term vendors § 108-13-3</u>	<u>120 days</u>	<u>End of event</u>	<u>Y/LUP</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>16 square feet</u>	<u>6 feet if set in the ground or anywhere on the building</u>	<u>2 total per frontage, either a ground sign or on vendor trailer, mobile store, tent, or kiosk</u>
<u>Temporary outdoor sales § 108-13-4</u>	<u>Per state code if applicable or 30 days prior to the event</u>	<u>End of event</u>	<u>Y/LUP</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>16 feet</u>	<u>6 feet if set in the ground or anywhere on the building</u>	<u>2 per street frontage</u>
<u>Temporary real estate sales office</u>	<u>Duration of construction</u>	<u>Completion of construction</u>	<u>Y/LUP</u>	<u>32 square feet</u>	<u>6 feet</u>	<u>1 per street frontage</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>
<u>Temporary real estate sales office wall sign</u>	<u>Duration of construction</u>	<u>Completion of construction</u>	<u>Y/LUP</u>	<u>20 square feet</u>	<u>N/A</u>	<u>1 sign attached to the office</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>

3/1/17

<i>Continued...</i>	General Standards in all Zones			Specific Standards for the Agricultural, Forest and Residential Zones			Specific Standards for the Commercial, Manufacturing and Resort Zones		
<u>Seasonal Signs:</u>	-	-	-	-	-	-	-	-	-
<u>Farmer's markets § 108-13-5</u>	<u>June through October</u>	<u>End of event</u>	<u>Y/LUP</u>	<u>32 square feet</u>	<u>10 feet</u>	<u>1 per street frontage</u>	<u>32 square feet</u>	<u>10 feet</u>	<u>1 per street frontage</u>
<u>Fruit and vegetable stand § 104-5-3 (8)</u>	<u>June through October</u>	<u>End of event</u>	<u>Y/LUP</u>	<u>16 square feet</u>	<u>10 feet</u>	<u>1 per street frontage</u>	<u>32 square feet</u>	<u>10 feet</u>	<u>1 per street frontage</u>
<u>Political sign</u>	<u>No limit</u>	<u>No limit</u>	<u>N</u>	<u>16 square feet</u>	<u>10 feet</u>	<u>1 per street frontage</u>	<u>32 square feet</u>	<u>10 feet</u>	<u>1 per street frontage</u>
<u>Event Signs:</u>	-	-	-	-	-	-	-	-	-
<u>Public event sign</u>	<u>30 days prior to the event</u>	<u>End of event</u>	<u>Y/SEP</u>	<u>4 square feet</u>	<u>3 feet</u>	<u>1 per street frontage</u>	<u>4 square feet</u>	<u>3 feet</u>	<u>1 per street frontage</u>
<u>Public event banner (on public property, over public streets or sidewalks)</u>	<u>30 days prior to the event</u>	<u>End of event</u>	<u>Y/SEP</u>	<u>12 square feet</u>	<u>N/A</u>	<u>1 per street frontage</u>	<u>12 feet</u>	<u>N/A</u>	<u>1 per street frontage</u>
<u>Public event directional sign</u>	<u>30 days prior to the event</u>	<u>End of event</u>	<u>Y/SEP</u>	<u>8 square feet</u>	<u>4 feet</u>	<u>No limit off-premises directional signs</u>	<u>8 square feet</u>	<u>4 feet</u>	<u>No limit off-premises directional signs</u>
<u>Special event sign</u>	<u>60 days prior to the event</u>	<u>End of event</u>	<u>Y/SEP</u>	<u>16 square feet on-site</u>	<u>6 feet</u>	<u>No limit onsite signs, either ground or banner signs</u>	<u>16 square feet onsite</u>	<u>6 feet</u>	<u>No limit on-site signs, either ground or banner signs</u>
<u>Special event banner (on public property)</u>	<u>30 days prior to the event</u>	<u>End of event</u>	<u>Y/SEP</u>	<u>12 square feet</u>	<u>N/A</u>	<u>1 per street frontage</u>	<u>12 square feet</u>	<u>N/A</u>	<u>1 per street frontage</u>
<u>Special event directional sign</u>	<u>1 day prior to the event</u>	<u>End of event</u>	<u>Y/SEP</u>	<u>8 square feet offsite</u>	<u>4 feet</u>	<u>No limit off-premises directional signs</u>	<u>8 square feet offsite</u>	<u>4 feet</u>	<u>No limit off-premises directional signs</u>
<u>Special event off-site sign</u>	<u>30 days prior to the event</u>	<u>End of event</u>	<u>Y/SEP</u>	<u>32 square feet</u>	<u>10 feet</u>	<u>2 offsite per event either a ground sign or banner</u>	<u>32 square feet</u>	<u>10 feet</u>	<u>2 offsite per event either a ground sign or banner</u>

3/1/17

683

**Table 1**

Sign Type	Display Period	Removal Required 3 Days After	Land Use Permit or Special Event Permit Required
<b>Occasion Signs</b>			
Campaign signs	60 days prior to the election	Completion of the election	N
Construction signs	Duration of construction	Completion of construction	N
Property/real estate sign	Duration of listing	Closing/lease commencement date	N
Short-term vendors § 108-13-3	120 days	End of event	Y/LUP
Temporary outdoor sales § 108-13-4	Per state code if applicable or 30 days prior to the event	End of event	Y/LUP
Temporary real estate sales office	Duration of construction	Completion of construction	Y/LUP
Temporary real estate sales office wall sign	Duration of construction	Completion of construction	Y/LUP
<b>Seasonal Signs</b>			
Farmer's markets § 108-13-5	June through October	End of event	Y/LUP
Fruit and vegetable stand § 104-5-3 (8)	June through October	End of event	Y/LUP

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3/1/17

Political sign	No limit	No limit	N
<b>Event Signs</b>			
Public event sign	30 days prior to the event	End of event	Y/SEP
Public event banner (on public property, over public streets or sidewalks)	30 days prior to the event	End of event	Y/SEP
Public event directional sign	30 days prior to the event	End of event	Y/SEP
Special event sign	60 days prior to the event	End of event	Y/SEP
Special event banner (on public property)	30 days prior to the event	End of event	Y/SEP
Special event directional sign	1 day prior to the event	End of event	Y/SEP
Special event off-site sign	30 days prior to the event	End of event	Y/SEP

-

**Table 2**

Types of Temporary Signs Permitted in Agricultural, Forest and Residential Zones	Maximum Area per Sign Face	Maximum Height of Freestanding Signs (includes support structure)	Number of Signs Permitted per Sign Type
<b>Occasion Signs</b>			
Campaign sign	32 square feet	6 feet	No limit

3/1/17

Construction sign	32 square feet	6 feet	1 per street frontage
Property/real estate sign	8 square feet	6 feet	1 per street frontage
Temporary real estate sales office	32 square feet	6 feet	1 per street frontage
Temporary real estate sales office wall sign	20 square feet	N/A	1 sign attached to the office
<b>Seasonal Signs</b>			
Farmer's markets	32 square feet	10 feet	1 per street frontage
Fruit and vegetable stand	16 square feet	10 feet	1 per street frontage
Political sign	16 square feet	10 feet	1 per street frontage
<b>Event Signs</b>			
Public event sign	4 square feet	3 feet	1 per street frontage
Public event banner (on public property, over public streets or sidewalks)	12 square feet	N/A	1 per street frontage
Public event directional sign	8 square feet	4 feet	No limit off-premises directional signs
Special event sign	16 square feet on-site	6 feet	No limit onsite signs, either ground or banner signs
Special event banner (on public property)	12 square feet	N/A	1 per street frontage
Special event directional sign	8 square feet offsite	4 feet	No limit off-premises directional signs

3/1/17

Special event offsite sign	32 square feet	10 feet	2 offsite per event either a ground sign or banner
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686 -

687 **Table 3**

Types of Temporary Signs Permitted in Commercial, Manufacturing and Resort Zones	Maximum Area per Sign Face	Maximum Height of Freestanding Signs	Number of Signs Permitted per Sign Type
<b>Occasion Signs</b>			
Campaign sign	32 square feet	8 feet	No limit
Construction sign	64 square feet	12 feet	1 per street frontage
Property/real estate sign	64 square feet	12 feet	1 per street frontage
Short term vendors	16 square feet	6 feet if set in the ground or anywhere on the building	2 total per frontage, either a ground sign or on vendor trailer, mobile store, tent, or kiosk
Temporary outdoor sales	16 feet	6 feet if set in the ground or anywhere on the building	2 per street frontage
<b>Seasonal Signs</b>			
Farmer's markets	32 square feet	10 feet	1 per street frontage
Fruit and vegetable stand	32 square feet	10 feet	1 per street frontage
Political sign	32 square feet	10 feet	1 per street frontage



3/1/17

Event Signs			
Public event sign	4 square feet	3 feet	1 per street frontage
Public event banner (on public property, over public streets or sidewalks)	12 feet	N/A	1 per street frontage
Public event directional sign	8 square feet	4 feet	No limit off-premises directional signs
Special event sign	16 square feet onsite	6 feet	No limit on-site signs, either ground or banner signs
Special event banner (on public property)	12 square feet	N/A	1 per street frontage
Special event directional sign	8 square feet offsite	4 feet	No limit off-premises directional signs
Special event offsite sign	32 square feet	10 feet	2 offsite per event either a ground sign or banner

688 **Sec. 110-2-12. - Sign materials and display standards.**

- 689 (a) Sign materials. All materials used to construct signs, supports or fasteners shall conform to the  
690 following standards:
- 691 (1) Signs may be constructed of painted, stained, sandblasted or carved wood, brick, stone,  
692 textured concrete or similar material. Glass (including plexi-glass), metal, or metallic leaf, which  
693 is painted, anodized, or otherwise treated to prevent reflective glare may also be used. Copper,  
694 brass, wrought iron, and other metals may remain untreated and allowed to develop a natural  
695 patina.
- 696 (2) Support structures may be constructed of painted, stained, sandblasted or carved wood, brick,  
697 stone, textured concrete or similar material. Glass, metal, or metallic leaf, which is painted,  
698 anodized, or otherwise treated to prevent reflective glare may also be used. Copper, brass,  
699 wrought iron, and other metals may remain untreated and allowed to develop a natural patina.  
700 Support structures shall use natural, muted earth-tone colors including browns, black, grays,  
701 rusts, etc. White shall not be used as a predominant color, but may be used as an accent.
- 702 (b) *Display standards.* The display of all signs regulated by this Land Use Code shall conform to the  
703 standards of this section.
- 704 (1) *No obstruction permitted.* No sign shall obstruct a clear view to and from traffic along any street  
705 right-of-way, entrance or exit.

3/1/17

- (2) *No projection within right-of-way.* No signs, except traffic signs and similar regulatory notices shall be allowed to project or be located within a public right-of-way.
- (3) *Illumination.* An illuminated sign, as defined in Section 101-1-7, shall comply with the requirements of Chapter 108-16 and the following provisions, examples of which are graphically depicted in Section 110-2-15.
- a. Unless otherwise specified in this subsection, all exterior lighting of a sign shall be downward directed from the top of the sign, and oriented so as to illuminate only the sign area, as defined in Section 101-1-7, excluding the supports.
  - b. No direct artificial light, as defined in Section 101-1-7, shall be projected from the sign area or beyond the sign area, including by means of diffusion or refraction through a translucent or transparent surface. However, direct artificial light, excluding diffused or refracted light, for a sign area that does not have a frame or separate background, as in the case of a logo or individual lettering mounted to a wall without a defined sign perimeter, may illuminate or reflect onto a background surface, such as a wall, beyond the exterior perimeter of the sign area, provided that:
    - 1. It shall not exceed six inches beyond the sign area.
    - 2. It shall be shielded so as not to project light onto any other surface.
  - d. Exterior lighting of a sign shall not exceed a ratio of 75 lumens per square foot of sign area. This ratio shall be calculated by combining the total lumen output of each artificial light source divided by the square footage of the sign area. See Section 110-2-15 for a graphic depiction.
  - e. The Land Use Authority may require the applicant to submit photometric schematics and attestation from a qualified professional that the submittal complies with this chapter.
- ~~External illumination. Signs may be unlighted or lighted externally, provided that the light is shielded such that the light source causes no glare, and does not encroach upon neighboring properties or on-coming traffic. No exposed light sources are permitted. Colored and flashing lights are prohibited. All lighting shall be shielded and directed only at the sign surface. Illumination source shall be included with the master sign plan.~~
- ~~(4) Internal illumination. Individual pan-channel letters with a plastic face or individual cut-out letters (i.e., letters routed out of the face of an opaque cabinet sign) are permitted. The plastic face or backing of the letters shall be ivory colored. Reversed pan-channel letters with an internal light source reflecting off of the building face may also be used for "halo" or "silhouette" lighting. The light source for internally illuminated signs shall be white.~~
- (45) *Wall signs mounted on parapets.* A wall sign mounted on a parapet wall shall be mounted six inches or more below the top of the parapet wall.
- (56) *No imitation of traffic signs.* Signs shall not resemble, imitate or approximate the shape, size, form or color of traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of traffic signs, signals or devices, not be lighted in a way that can cause glare or impair driver visibility upon roads.
- (67) *No prevention of ingress/egress.* Signs shall not be erected, relocated or maintained in such a way that prevents free ingress or egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape.
- (78) *No mounting on natural features.* No signs shall be painted or mounted on trees. No land-form or naturally occurring land feature (rocks, cliff faces, etc.) shall be defaced for purposes of displaying a sign.

3/1/17

- 751 | (89) *Clearance.* The clearance of a projecting, canopy or wall sign shall be measured from the  
 752 | lowest edge of the overhang eight feet to the driving or walking surface below.
- 753 | (940) *Sign setbacks.*
- 754 | a. *Monument and/or ground signs.* Any monument sign or ground sign shall be set back a  
 755 | minimum of ten feet from any property line. Signs fronting on state highways shall be set  
 756 | back ten feet from the right-of-way.
- 757 | b. *Projections into public right-of-way.* Projections into the public right-of-way are not allowed,  
 758 | except for signs set by public agencies for safety purposes, such as the state department  
 759 | of transportation.
- 760 | c. *Clear view triangle.* Signs shall not be placed within the clear view triangle as defined in  
 761 | title 108, chapter 7 of the Weber County Land Use Code.
- 762 | (104) *Landscaping.* The ground area around the base of all ground/monument signs shall be  
 763 | landscaped in accordance with the requirements of applicable chapters of the Weber County  
 764 | Land Use Code. The planning commission may exempt some monument/ground signs from this  
 765 | standard where it is demonstrated, by the owner/developer, that the landscaping would unduly  
 766 | interfere with pedestrian or vehicular traffic, interfere with traffic visibility or for other reasons be  
 767 | impractical.
- 768 | (112) *No street frontage.* When a freestanding building, complex or storefront does not face a  
 769 | public street or approved private road, and is accessed via a pedestrian area or common  
 770 | parking and driveway area, the linear footage of building or storefront facing the pedestrian area  
 771 | or common parking area shall substitute for purposes of determining allowable signage.
- 772 | (123) *Sign area.* The area of a sign shall ~~be the measurement of the face of the sign that is~~  
 773 | ~~designed to present a message or attract attention, plus the structural supports. The combined~~  
 774 | ~~area of the sign face and structural supports shall not exceed the maximum height and width~~  
 775 | ~~specified for signs in this chapter.~~ be measured as provided in the definition of "sign area" as  
 776 | provided in Section 101-1-7.
- 777 | ...
- 778 | Sec. 110-2-15. – Examples of sign illumination.

3/1/17



Unacceptable color temperature.

Fully shielded artificial light source.  
No visible direct artificial light.

Light buffers no more than six inches  
around perimeter of sign area.



Acceptable color temperature.

Direct artificial light source projected  
by means of diffusion through  
translucent surface.

Light buffers no more than six inches  
around perimeter of sign area.



Lumen per Square Foot Ratio	
1650 Lumen Bulb 33 Square Feet of Sign Area	= 50 Lumens per Square Foot of Sign Area

Total combined lumens less than or  
equal to 50 lumens per square foot.

Acceptable color temperature.

Light only illuminates sign area.

No visible direct artificial light.

# Attachment B

Alternative two: language to execute voluntary compliance for all  
(non-multifamily) residential uses.

**Sec. 108-16-2. - Applicability.**

...

- (c) *Lighting for residential use.* ~~Except as may be provided in Section 108-16-7, the~~The lighting standards of this chapter are not mandatory for a single-family, two-family, or three-family dwelling ~~in existence or approved on or before May 1, 2017.~~ The county shall employ educational methods and incentives to encourage voluntary compliance for ~~these~~ residential uses. For the purpose of facilitating education and for tracking the effect of not applying a mandate, the county may require submittal of final lighting plans for residential uses pursuant to 108-16-6(b)(1); if required, final lighting plans shall be submitted either at the time of application submittal or prior to certificate of occupancy, at the Planning Director's determination. The county may also require the applicant to sign an acknowledgement of review of educational materials.

...

**Sec. 108-16-5. - Exemptions.**

The following artificial light sources are exempt from the requirements of this chapter:

- (1) *Agricultural and single-family, two-family, or three-family dwelling lighting.* Lighting for agricultural uses, or single-family, two-family, or three-family dwelling uses.

**Sec. 108-16-7. – Required replacement of nonconforming outdoor lighting.**

After the effect of this chapter, which is August 1, 2017, all outdoor lighting that does not comply with the requirements of this chapter shall be considered nonconforming outdoor lighting. All nonconforming outdoor lighting shall be phased out in accordance with the following schedule:

- (1) *Lighting conversion.* ~~Except for outdoor lighting for a single-family, two-family, or three-family dwelling in existence or approved on or before May 1, 2017, any~~Any nonconforming outdoor artificial light source shall be terminated, replaced, or retrofitted to conform to the requirements of this chapter within five years after the effect of this chapter. The County shall provide frequent public notice of the effect, but no less than one per year. After the effect of this chapter, The county shall employ educational methods and incentives to encourage voluntary compliance prior to this five year period and to assist the public in understanding and complying with this chapter;

...

**Sec. 108-16-8. – Violations, enforcement, and implementation.**

...

- (d) Voluntary compliance. When not otherwise required, compliance with this chapter may be volunteered by a land owner. Voluntary compliance shall be regulated as follows:

- (1) A restrictive covenant shall be recorded on title of each volunteered lot or parcel, written on a form as approved by the County Attorney, which specifies the voluntary compliance with this chapter, and requires continued compliance in perpetuity.
- (2) A onetime ten percent fee reduction for any single application required by this land use code shall be given for the voluntary compliance. The application for which the fee reduction is applied shall be submitted with proof of the recording of the restrictive covenant no later than two weeks after the restrictive covenant is recorded. The application shall be submitted with the following:
  - a. If the application is for a subdivision, a note shall be placed on the subdivision plat referencing the recorded restrictive covenant and the requirement to comply with the provisions of this chapter; and
  - b. If the application requires a site plan, a note shall be placed on the site plan referencing the recorded restrictive covenant and the requirement to comply with the provisions of this chapter.
- (3) Any noncompliance with a restrictive covenant recorded under this subsection shall constitute a violation of this chapter.



# Attachment C

November 29, 2016 Planning Commission staff report.



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** AMENDED: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), Ogden Valley Lighting (§108-16), and Ogden Valley Signs (§110-2) to provide clearer standards for outdoor light and outdoor lighting devices in the Ogden Valley in order to support dark sky-viewing, astrotourism, the Dark Sky accreditation of North Fork Park, and the Ogden Valley General Plan.

**Agenda Date:** Tuesday, December 06, 2016

**Staff Report Date:** Tuesday, November 29, 2016

**Applicant:** Weber County Planning Division

**File Number:** ZTA 2016-06

#### Staff Information

**Report Presenter:** Charlie Ewert  
cewert@co.weber.ut.us  
(801) 399-8763

**Report Reviewer:** RG

### Applicable Ordinances

§101-1-7: Definitions  
§108-16: Ogden Valley [Outdoor] Lighting  
§110-2: Ogden Valley Signs

### Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

### Summary and Background

One of the significant recommendations found in the new 2016 Ogden Valley General Plan is a recommendation to enhance and support the Ogden Valley's dark skies.

Weber County has one of the first ever dark sky ordinances in the state, adopted it in 2000. Since then the Ogden Valley Starry Nights, a grass roots community committee, has been successful in getting the North Fork Park accredited by the International Dark Sky Association. This accreditation was made possible in some part due to the dark sky ordinance from 2000.

Changed and changing technology and emerging trends render many parts of the 2000 ordinance irrelevant or difficult to administer. Upon the direction from the new general plan, and after discussions with the Ogden Valley Starry Nights committee it has been determined that revisions to this ordinance merits a high priority in order for the North Fork Park to maintain its accreditation. This proposal strengthens the weaknesses in the current ordinance, simplifies some of the complicated lighting technology, and offers clearer standards and simpler administration and enforcement mechanisms for staff. A desired outcome of these changes is that night sky compliance will be simple to identify for both County employees and for the general public.

### Policy Analysis

**Policy considerations.** As the Planning Commission reviews the attached proposed ordinance, staff recommends reviewing the track-change version for a more comprehensive understanding of the state of the current ordinance in comparison to the proposed changes. A clean copy is also attached for those who'd rather

review the final document.

The following is a policy analysis of the changes:

*Clear purpose statement.* The proposed ordinance adds a clearer purpose statement – the findings, if you will – for the reason for the ordinance. Those findings are to promote the health, safety, and general welfare of the Ogden Valley residents and visitors by:

- (1) Reducing, eliminating, or preventing light trespass;
- (2) Reducing, eliminating, or preventing unnecessary or inappropriate outdoor lighting;
- (3) Reducing, eliminating, or preventing the effects of outdoor lighting on wildlife;
- (4) Preventing unsightly and unsafe glare;
- (5) Promoting energy conservation;
- (6) Maintaining nighttime safety, utility, and security;
- (7) Encouraging a minimal light footprint of land uses in order to reduce light pollution; and
- (8) Promoting and supporting astrotourism and recreation, including the pursuit or retention of accreditation of local parks by the International Dark Sky association.

*General and specific standards.* The proposed ordinance offers general standards that are applicable to all land uses in the valley. Those standards, to paraphrase, are that lighting shall be downward directional, no light trespass, appropriate shielding, and appropriate color temperature. The ordinance also offers more specific standards for all use types except agriculture, single and two family residential uses. These standards include lighting curfew, flashing or flickering lights, canopy lighting, parking lot lighting, recreation facilities lighting, and sign lighting. We consulted with engineers and operators working for various local businesses from convenient stores to ski resorts to verify that the standards are attainable. We also drew heavy influence from the International Dark Sky Association's model lighting ordinance for many of the measurable standards, as denoted in a comment balloon to the right of the proposed text. In the event any of these measurable standards prove to be too strict or not strict enough, the proposed ordinance is written in such a way that they can be easily adjusted in the future as may be needed.

*Exemptions.* The ordinance is fairly strict, and offers little flexibility for unique circumstances. For this reason, we created 16 exemptions for currently known unique situations. Each of them has been carefully considered for their impact to the intent of the proposal, and efforts have been made to minimize the counter-productivity of the exemption. Over time, as we monitor the effect of the ordinance, it may be necessary to add, remove, or modify some of them.

*Removal of complicated lighting jargon.* The existing ordinance is rife with lighting vernacular that would take advance education in lighting in order to administer and/or comply with. The proposal eliminates all unnecessary lighting jargon from the ordinance in favor of the much simpler standards of downward directional, no light trespass, appropriate shielding, and appropriate color temperature.

*Addition of clearer definitions.* The proposed ordinance is not completely devoid of technical jargon, however, wherever Merriam Webster's Dictionary could not offer the plain-meaning definition for a term used in the code, we try to offer a clearer definition for each technical term. In addition, we were able to consolidate and correct errors in some of the existing definitions related to the changes.

*The phase-out of existing nonconforming lighting.* One important feature of this proposed ordinance is that it phases out all nonconforming lighting fixtures within seven years. In other words, after seven years no lighting device in the Ogden Valley will be "grandfathered." If it doesn't comply it will need to be replaced. This will be a challenge for the County to enforce. The County intends to use the next seven years to provide appropriate educational outreach to valley residents to ensure optimal awareness of the seven year period. County employees are resolved to help members of the public become aware of the requirement when they interface with the Planning Division. The proposed ordinance requires that in certain circumstances, such as major remodels or site work, updated outdoor lighting will be necessary in order to obtain a land use permit from the Planning Office. We anticipate enforcement will not be heavy handed until it can be assured the folks have had the ability to become aware of the requirement and are afforded an appropriate amount of time to comply.

*Image examples.* This proposed ordinance adds into the code images to represent examples of compliant and

noncompliance lighting devices. This will hopefully make the application of the ordinance clearer to the average lay-person.

*Ongoing community support.* One concern that the Planning Commission discussed in work session is the burden that strict application of the law will have on agricultural operations. In response to the concern the Ogden Valley Starry Nights committee offered \$1,000 to assist agricultural operations retrofit their lights with appropriate shielding.

*Signs.* The proposal modifies the sign regulations specific to the illumination of signs. It also addresses a number of administrative corrections and simplifies complicated tables in an effort to bring clarity and simplification to the land use code.

## Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. The new 2016 Ogden Valley General Plan offers us guidance on what the community desires:

The vision for the community character section of the general plan is as follows:

The rural character of Ogden Valley is defined by its open fields, agricultural lands, stands of trees, peace and quiet, *dark skies*, clean air and water, abundant wildlife, and small villages; by Pineview Reservoir; by historic Ogden Canyon and by the long views of the surrounding foothills and mountain background. The Ogden Valley community desires physical development to complement, not overwhelm or compete with, the rural character of the Valley. In the Ogden Valley planning area, Weber County will promote and encourage unique and functional design in new developments, public spaces, and streetscapes to create a visible character distinct to Ogden Valley that enhances the Valley's character [italics added].<sup>1</sup>

The community's desire to maintain an identity and character of being a dark sky destination is specifically written into this vision. Further, the general plan provides the following:

Dark Sky Preservation: Ogden Valley residents have expressed a strong desire to preserve their legacy dark skies. In 2000, dark-sky lighting and sign ordinances were passed, and in spring 2015, North Fork Park became the world's 21st International Dark Sky Park, constituting a northern anchor for the national parks in Utah that have also been accredited. Astrotourism (a natural companion to agritourism) is an accelerating trend that not only can support the local economy but also can honor Ogden Valley's rural heritage and distinct natural beauty.<sup>2</sup>

This suggests that there is a desire to not only enhance the character of the valley by offering excellent visibility of the night sky, but to also take advantage of an emerging high value tourism trend for economic development purposes.

The plan recommends goals, principles, and implementation strategies to protect the nighttime sky:

Dark Sky Preservation Goal 1: A goal of Weber County is to protect the night sky in order to preserve the Valley's rural character and heritage.

Dark Sky Preservation Principle 1.1: Encourage programs for residential and agricultural dark-sky-lighting compliance.

Dark Sky Preservation Implementation 1.1.1: Review the current dark-sky lighting ordinance for consistency with dark-sky principle and current technology; identify possible updates. Consider amendments as necessary.

Dark Sky Preservation Principle 1.2: Promote the accreditation of North Fork Park as the world's 21st International Dark Sky Park, and encourage astro-, agri-, and ecotourism development.

Dark Sky Preservation Implementation 1.2.1: Evaluate current dark-sky sign ordinance for community character effectiveness and competitiveness with other Amenity West communities; identify possible updates.<sup>3</sup>

Commercial Development Goal 2: A goal of Weber County is to ensure that the design of retail and commercial development is consistent with Ogden Valley's rural character.

<sup>1</sup> See 2016 Ogden Valley General Plan page 4.

<sup>2</sup> See 2016 Ogden Valley General Plan page 5.

<sup>3</sup> See 2016 Ogden Valley General Plan page 8.

Commercial Development Principle 2.3: Ensure that all signage in Ogden Valley is compatible with the context of the sign's location and the rural character of Valley.

Commercial Development Principle 2.3: Ensure that all signage in Ogden Valley is compatible with the context of the sign's location and the rural character of Valley.<sup>4</sup>

The plan also references the need for better nighttime lighting ordinances in the Commercial Development Implementation strategy 2.1.1.

The Planning Commission can easily find support for the proposed ordinance in the 2016 Ogden Valley General Plan.

### Past Action on this Item

No action has occurred on this item. The Planning Commission has discussed the Ogden Valley Lighting ordinance in two work sessions to date.

### Noticing Compliance

**AMENDED:** This item was previously agendized as a public hearing item for this meeting. However, part of the requirements for noticing was not formally completed. A new notice will be posted for the January 3, 2017 meeting for a formal hearing. The item was appropriately noticed as a discussion item on the agenda for this meeting.

### Staff Recommendation

Staff recommends approval of the text included as Exhibit B and Exhibit C with the following findings:

1. The changes are supported by, and are part of the execution of, the 2016 Ogden Valley General Plan.
2. The changes are necessary to reduce conflicting provisions in the Land Use Code.
3. The changes are necessary to provide clarity in the Land Use Code.
4. The clarifications will provide for a more efficient administration of the Land Use Code.
5. The changes will enhance the general health and welfare of County residents.

The Planning Commission's decision should be made as a recommendation to the County Commission.

### Exhibits

- A. Summary, List, and Key to Proposed Changes.
- B. Proposed Changes [Clean Copy] – Ogden Valley Outdoor Lighting Ordinance.
- C. Proposed Changes [Track-Change Copy] – Ogden Valley Outdoor Lighting Ordinance.
- D. Land Use Code Revision Process Flowchart.

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<sup>4</sup> See 2016 Ogden Valley General Plan page 26.

# Attachment D

February 28, 2017 Planning Commission meeting minutes.

Minutes of the Ogden Valley Planning Commission Regular meeting February 28, 2017, in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Jami Taylor, Chair; Laura Warburton, John Lewis, Robert Wood, Greg Graves

**Absent/Excused:** John Howell, Will Haymond,

**Staff Present:** Rick Grover, Planning Director; Scott Mendoza, Assistant Planning Director; Ronda Kippen, Principal Planner; Steve Burton, Planner II, Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

***Pledge of Allegiance:***

***Roll Call:***

Chair Taylor asked if any member had ex parte communications to declare. No ex parte communications were declared.

1. **Minutes:** Approval of the November 1, 2016, January 3, 2017, and February 7, 2017 Meeting Minutes.

Chair Taylor approved the November 1, 2016, January 3, 2017, and February 7, 2017 meeting minutes as written.

2. **Consent Agenda:**

- 2.1. **UVO080116: Consideration and action on a request for final approval of Old Town Eden Condominiums in the Commercial Valley (CV-2) Zone, located at 5510 E 2200 N in Eden. (Ben Toone, Applicant)**

**MOTION:** Commissioner Warburton moved that they approve consent agenda item UVO080116 for final approval of Old Town Eden Condominiums in the Commercial Valley (CV-2) Zone, located at 5510 E 2200 N in Eden. Commissioner Wood seconded. A vote was taken with Commissioners Warburton, Lewis, Wood, and Chair Taylor voting aye.

Motion Carried (4-0)

Director Grover said this next item is amending the original conditional use permit; each zone there are certain uses that are permitted, and certain uses that are conditional. This commission approved conditions that were applied to this CUP. This is an administrative item and if this commission chooses to entertain public comment they can do so. We are having Ronda Kippen give a short outline of where it's at; and then we will have an introduction with Daniel Dailey who will represent the project, and give detailed information of what he plans to do. Ms. Kippen will then follow up and explain how it meets the ordinance.

3. **Petitions, Applications and Public Hearings**

- 3.1. **Administrative Items**

- a. **Old Business**

1. **CUP 2016-16: Consideration and action for an amendment to the site plan associated with the conditional use permit for an Agri-Tourism operation identified as the Dancing Moose Farms Art & Ecology Center in the Forest (F-5) Zone, located at 13485 East Hwy 39 in Huntsville. (Dailey Family Limited Partnership, Applicant; Daniel Dailey, Agent)**

Ronda Kippen, Project Manager, said the property is located at 13485 East Hwy 39; it lies in the F-5 Zone and covers approximately 17.39 acres. The applicant received approval of the agri-tourism operation on this site February 24, 2015, and entered into a farm stay development with Weber County on December 8, 2015. The applicant is now modifying the site plan to address concerns brought forth by the Fire District. She indicated Mr. Dailey would address the reasons for the amendment and also give an update on his progress on his agri-tourism venture.

Daniel Dailey, 1546 East Sunny Side, Salt Lake City, said the reason they are changing the site plan for the Dancing Moose Farms is primarily because the Fire Marshal requested we do a road with a turnaround. In terms of taking up space from the property, it would take up an acre and a half of the property. In looking at a plan for the Fire Marshall, determined the front parking area would be a better place for the yurts. It would have fire emergency access is the reason for the change. In terms of the neighbors concerns when he met with them; was to provide some protection and create better access. There was a concern they didn't have water for this project; this was addressed by hiring a water engineer from the State of Utah, and he received a Certificate of Compliance. A concern was being able to grow at that



altitude, and there was a recommendation to get a hold of Pete Rasmussen. Mr. Rasmussen currently sets up a CSA in their shop. They have 12 to 14 people that come in weekly and buy fresh produce. Another concern was the UDOT Access; he did a Traffic Impact Study which a Civil Engineer drew up plans, and UDOT approved access to the property through this development. They installed a solar water pump station that pumps water up to the highest point on the property, so they could use gravity feed to run water through a high tunnel to water our animals. They have held six Permaculture Classes to help introduce people to the farm and they have a lot of interest. We raise Icelandic Sheep on the property with 15 sheep, 3 rams, and currently doing a rotational grazing, so they can move the animals throughout the property. They plan to build a home up there as part of the site plan. His son and wife will be residing there to help with the farm.

Ronda Kippen said the key component why the amendment is to bring the Yurts that were located on the site plan, and for those of you that weren't here in 2015, initially the Yurts were located in the rear of the property. Mr. Dailey has redesigned the site to bring the Yurts right next to the parking area; so they don't have to disturb agricultural property with those improvements. He has also provided architectural details to the proposed water tank; and the proposed water tank will be located in the upper right hand corner of the site. He will be screening with an earthen berm and landscaping. In between the Yurts, Mr. Dailey had a landscaping plan last summer to plant 125 trees and all these trees are shown on the site plan. The Yurts will go in between the trees and there will be some art display. Their packet includes an architectural rendering for the farm stand, animal shelter, and a chicken coop. The production and agri-tourism has been operating for two years. The general design and layout concentrates all of the tourism and activities into a distinct activity center; and the area within this development the activity does not exceed 20% of the farm overall growth acreage. The remaining acreage shown outside of the activity center shall be maintained agriculturally and that is consistent with the land use code. By amending the site plan and locating the Yurts closer to Highway 39; safety for persons and property is adequately addressed by making the facility more accessible to emergency services vehicles. The water tank was one part of the structure that was not on the original application, and the location on the site where the water tank is, adequately addresses the yard setback for the zone. By moving the infrastructure closer to the road, it is preserving more agricultural property which is taking care of the environmental aspect. This proposal does meet the goals and objectives of the 2016 General Plan which identifies agricultural as a prominent feature of the valley; and it has set goals and objectives to promote working farms by supporting agricultural operations in Ogden Valley. Planned architectural renderings conform to the county land use code. The applicant has entered into a farm stay development agreement with Weber County, and they will need to amend that with the new site plan. Based on staff's evaluation and all review agencies, they forward a positive recommendation for approval of CUP 2016-16, a conditional use permit amendment for agri-tourism operation identified as the Dancing Moose Farms Art and Ecology Center located at 13485 East Hwy 39. This recommendation for approval is subject to the following conditions that this farm stay development agreement is amended to approve the new site plan. This recommendation is based on the findings outlined in the staff report.

Chair Taylor opened up for public comment.

Robin Olson said she is part owner to the property right next down towards the river. Some of her concerns are being able to keep their privacy when they go and visit their property. They are having tourists come to the area and they are going to want to explore the area; especially down towards the river. That is one of their main concern is the privacy and the safety of us not knowing who is in the area. Commissioner Warburton asked what she would like to happen to make her feel safer. Ms. Olson replied she was not sure and how can they guarantee their safety and privacy.

Commissioner Warburton said because of the conditional use permit; if they see there are things that can be mitigated, to reduce the detrimental effects then they could do that but are unable to stop it. The nice thing about a conditional use if it's abused; it can be revoked. Ms. Olson said their goal is not to be troublesome but to be respectful to their neighbors. She is hoping to have that respect and be assured she would have that same respect.

Chair Taylor closed for public comment.

Chair Taylor asked Ms. Kippen if she would come and address Ms. Olson's concerns. Ms. Kippen replied she believed Ms. Olson's questions and concerns are more likely a civil agreement between her and the applicant. With the new

location of the Yurts, it is taking that tourist element further away from where Ms. Olson's property would be located. Mr. Dailey said he did attend a cleanup with the Cougar Partnership; and they addressed concerns with people walking down the river, and the Yurts being moved forward. His son and wife would be building a home closer to their area; and would not like people wondering on their section of the property.

**MOTION:** Commissioner Warburton moved to approve CUP 2016-16 subject to all the agencies requirements outlined in the staff report dated February 28, 2016. The reason for the approval is in keeping with the General Plan and how we can maintain a rural area. Commissioner Lewis seconded.

**DISCUSSION:** Commissioner Warburton said the mitigation of the house is the best screening and it works for her. Chair Taylor said with it being a conditional use permit; there are certain ways and avenues that certain things aren't being met there is a recourse, and it can be done respectfully with the surrounding area.

**VOTE:** A vote was taken with Commissioners Warburton, Lewis, Wood, and Chair Taylor voting aye.  
Motion Carried (4-0)

Director Grover said this next item is a consideration and action on a conditional use permit application for a public utility substation, i.e. water storage tank for the Wolf Creek Water and Sewer Improvement District. With a conditional use permit and anytime you have a public utility substation requires the Planning Commission is to look at how it can better fit into the area. Steve Burton will introduce this item, and then we will have Mike Durtschi and Eric Householder will do their presentation, and Mr. Burton will come back and show how it will meet the ordinance. On this you can choose to take public comment if you desire.

Commissioner Lewis asked Courtlan Erickson; if he should recues himself because there may be some kind of conflict of interest. This is a water tank and its right in the middle of Wolf Creek Resort; he owns land all around it, and has dedicated some land to it. Mr. Erickson replied the normal process would be for you to declare to the members of the Planning Commission which you just did. If you feel you want to take action to recues yourself, otherwise the members of the Planning Commission would discuss that with you and then take a vote.

Chair Taylor said the main issues when you are looking at potential conflict of interest would be a direct substantial financial interest proposal. Commissioner Lewis replied that he didn't get paid for it. Chair Taylor asked if any of the other Commissioners were not okay with this and there was none. She didn't see a conflict of interest with this. Commissioner Lewis said the only reason he brought this up was so that it's on the record. Chair Taylor said it would be okay to move forward on this.

#### **b. New Business**

**1. CUP 2017-01:** Consideration and action on a conditional use permit application for a public utility substation (water storage tank) for Wolf Creek Water and Sewer Improvement District in the Open Space (O-1) Zone, located at the Intersection of Retreat Drive and Mountain Ridge Drive in Eden. (Wolf Creek Water and Sewer Improvement District, Applicant; Mike Durtschi, Project Engineer, Gardner Engineering, Agent)

Steve Burton said just to briefly introduce this, we have an application request for consideration and action on a conditional use permit for a public utility substation (water storage tank) for Wolf Creek Water and Sewer Improvement District as an administrative type of decision. This is in reference to CUP 2017-01, located approximately at the intersection of Retreat Drive and Mountain Ridge Drive in Eden. The project area is 42,870 sq. ft. and the zoning is Open Space. There is an existing water tank on the property and the proposed water tank will be about 40 feet from the existing water tank. This is a 500,000 gallon water storage tank and the water thank will provide the storage capacity needed to meet the added demands of the proposed development within the water system boundaries.

Dan White, Project Manager, said the water tank proposed will be next to the existing tank will be buried. When completed they will have six inches of top soil over it and designed for a gradual slopes 2-1. The area will be mulched and hydro seeded in this place to slow down any water runoff. We are doing everything we can to screen it. That is why they are asking for conditional use permit.

Steve Burton said this is an aerial site plan where the tank is going to be located. The other standards to consider in approving the conditional use permit; safety for persons and property, traffic and congestion delays is not anticipated with this proposal. As per the County Engineering Division; the contractor will be responsible to guarantee site materials and not tracked onto the county roadways, and a condition of approval has been added. Consider the infrastructure amenities and services that this water tank will provide culinary water to the new development in the area. The environment for the project is located near an intermittent stream corridor; the Engineering Division will require access to the site outside of the 50 foot setback for the stream, and this has been added to staff's recommendation. The applicant has provided a Landscaping Plan to ensure that the disturbed ground has the same appearance before the tank was installed. The proposed use conforms to the Ogden Valley General Plan by providing additional water sources to meet the demands of the valleys exiting water system. The performance outlined in the document and specifications as part of the application; this property conforms to the Land Use Code. Staff recommends approval of the proposed conditional use permit application for Wolf Creek Water and Sewer Improvement district's water storage tank. This recommendation for approval is subject to all review agency requirements and conditions based on findings listed in the staff report.

**MOTION:** Commissioner Warburton moved to approve CUP 2017-01 subject to all agency requirements and conditions as outlined in the staff report for February 28, 2017 so people will have water. Commissioner Wood Seconded. A vote was taken with Commissioners Warburton, Lewis, Wood, and Chair Taylor voting aye. Motion Carried (4-0)

Director Grover said this next item is a legislative item and what they are looking at is to discuss and take public comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), Ogden Valley Lighting (§108-16), and Ogden Valley Signs (§110-2) to provide clear standards for outdoor light and outdoor lighting devices in the Ogden Valley in order to support dark sky-viewing, astrotourism, the Dark Sky accreditation of North Fork Park, and the Ogden Valley General Plan. Staff is the representative of items listed, so Charlie Ewert will be presenting this.

### 3.2. Legislative Items

#### a. Old Business

**1. DISCUSSION:** ZTA 2016-06: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), Ogden Valley Lighting (§108-16), and Ogden Valley Signs (§110-2) to provide clearer standards for outdoor light and outdoor lighting devices in the Ogden Valley in order to support dark sky-viewing, astrotourism, the Dark Sky accreditation of North Fork Park, and the Ogden Valley General Plan.

Charles Ewert said on the screen will be what the Planning Commission saw January 3, 2017 and what's in front of you. The primary question from the January 3<sup>rd</sup> meeting revolved around residential dwellings. Will residential facilities both existing and future be mandated to comply with the Dark Sky for Ogden Valley Outdoor Lighting Ordinance? There were two alternatives that were requested by the Planning Commission, and presented at work sessions at the last meeting. The first alternative was that existing dwellings be forever grandfathered, and future dwellings are not required to comply. Alternative two was existing dwellings grandfathered, and future dwellings are required to comply. The idea behind alternative two was that those dwellings haven't been constructed so they have plenty of time for notice and plenty of time for compliance. After the work session, the commissioners asked me to present a draft with alternative two.

Charlie Ewert said on Page 3, and he read Line Items 132 through 134 and said they will have to change that, and remember it started January and they bumped to March.

Charlie Ewert said on Page 7, Subsection (1) Lighting Conversion, and read Line Items 288 through 295.

Commissioner Wood asked didn't we say we wanted to change that from seven years to five years. Mr. Ewert replied he missed that and he will get that fixed when it goes to the County Commission.

Chair Taylor asked if we go ahead with a vote and decision on this, should we bring up the five year. Mr. Ewert replied that would be helpful for the Commission to see that's why it was changed from seven years to five years.

Chair Taylor opened for public hearing.

Richard Menzies said he is speaking on behalf of Janet Muir, and she presented a short presentation to be entered into public record. He read her presentation.

Chair Taylor closed for public hearing.

Commissioner Graves arrived at this time.

Commissioner Lewis said that he has watched Charlie, Janet, Ron, and a lot of other people putting in a lot of time and energy into this. He is impressed that many people are trying to protect what we have up in the valley to be very special. In all the Planning meetings with the General Plan; people have different opinions, but he heard that people want to keep it darker. The stars are important and as a builder; he wanted to point out that this does not affect people who currently have homes; it only affects the future homes being built. He didn't see anything as a builder that was difficult to do. As a builder it keeps your neighbors from being blinded; and encouraged the Planning Commission and the County Commission to consider this carefully to help protect what is important.

**MOTION:** Commissioner Lewis moved to recommend approval to the County Commission for ZTA 2017-06 to discuss and take public comments on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), Ogden Valley Lighting (§108-16), and Ogden Valley Signs (§110-2) to provide clearer standards for outdoor light and outdoor lighting devices in the Ogden Valley in order to support dark sky-viewing, astrotourism, the Dark Sky accreditation of North Fork Park, and the Ogden Valley General Plan. This is subject to recommendations and findings listed in the staff report and subject to changing the time period from seven years back to five years. He didn't think there was that much difference between five years to seven years; to eventually catch up with commercial that would cause a financial burden or otherwise. Commissioner Wood seconded.

Courtlan Erickson, Legal Counsel asked for clarification for the seven year (Line Item 291). Chair Taylor asked Commissioner Lewis if he wanted to change that on (Line Item 291) from seven years to five years. Commissioner Lewis replied yes. Chair Taylor said for clarification there was a question of Option 2 or Option 1 as it is written, and what Mr. Ewert was referring to Option 2. Option 2 meaning current residents grandfathered in and future residents would be mandated with the ordinances, and commercial would be caught up with five years.

**AMENDED MOTION:** Commissioner Warburton moved to amend the motion to add that the county would create a Dark Sky Committee to include representatives as follows: one Planning Department employee, two valley residents at large, two valley business association members, and one Ogden Chamber of Commerce. For the purposes of advising the county on Dark Sky best practices, implementation strategies, incentive programs, public/private partnerships that the County Commission deems necessary. Commissioner Graves seconded.

**DISCUSSION:** Chair Taylor said she likes the motion and asked Commissioner Warburton if she would like to explain her motion. Commissioner Warburton said that in the ordinance it talked about the county would work to create incentives and so forth. It just needs to be more formal especially with the people that have worked so hard on this, and they need to be recognized. Commissioner Wood asked who would be selecting these people. Commissioner Warburton replied that would be the County Commission, or whatever they decide, because it would be creating a new committee. A vote was taken with Commissioners Warburton, Lewis, Wood, Graves, and Chair Taylor voting aye. Motion Carried (5-0)

**DISCUSSION:** Commissioner Warburton gave her opinion and reasons why she is opposed to regulating homes. Commissioner Graves responded and gave his reasons as to why this was needed in the valley. They both agreed that Dark Skies was needed in the valley.

**VOTE:** A vote was taken with Commissioners Lewis, Wood, Graves, and Chair Taylor voting aye. Commissioner Warburton voted nay. Motion Carried (4-1)

Chair Taylor read a letter addressed to the County Commissioners in reference to the Ogden Valley Lighting Ordinance pertaining to the Dark Sky in the valley. The letter was also signed by some of the Planning Commissioners.

4. **Public Comment for Items not on the Agenda:** Jan Fullmer who resides in Eden said having worked a lot on the Ogden Valley General Plan with Logan Simpson Consultants that final plan was summarized down quite a bit to get it approved by the Weber County Commission. When it came up before the County Commissioners to approve it, they made one change to grant bonus development units in Ogden Valley for cluster development. Commissioner Ebert met with the GEM Committee last month and we explained to him after verification, that the commissioners cannot overrule an existing ordinance. The ordinance passed in 2015; stated there would be no more bonus development units granted for cluster development in Ogden Valley with the exception of the resort area. To the best of their knowledge no one has step forward to change this ordinance which the commissioners approved. We paid consultants this last time to do another plan; and what happened since 1998 not a lot of changes. The only way to make the plan happen is to have ordinances that ensure compliance. Other communities have been very successful in having similar ordinances passed for residential lighting. When we worked on that plan, they did everything possible to make sure they did preserve property rights, wherever possible especially development rights. We would like to let the commissioners know that this is an ordinance; this ensures Dark Skies will happen in the future.
5. **Remarks from Planning Commissioners:** Commissioner Graves apologized for being late. Commissioner Warburton said in reading the ordinance there were a few things that she needed to speak with Mr. Ewert on some thoughts, and the less they have conditional uses so people can understand more and be able to forward without having to come here.
6. **Planning Director Report:** Director Grover said the next work session meeting coming up we will address ADU's. At the end of that do they want to continue on with that discussion? The Planning Commissioners said they would like to have more discussion.
7. **Remarks from Legal Counsel:** No remarks from Legal Counsel.
8. **Adjourn Public Meeting to Convene to a Work Session**

**WS1. DISCUSSION:** Ogden Valley Hydrogeology Report Update

Charlie Ewert said that this was miss noticed; the Ogden Valley Hydrogeology Report was intended for the next work session for next week.

9. **Adjournment:** The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,



Kary Serrano, Secretary;  
Weber County Planning Commission

# Attachment E

Letter from planning commission members Jami Taylor, Robert Wood, Gregory Graves, and John Lewis explaining their vote in support for the planning commission proposal.



February 28th, 2017

WEBER COUNTY COMMISSION  
Commissioner James H. Harvey  
Commissioner Kerry W. Gibson  
Commissioner James Ebert  
2380 Washington Blvd Suite #360  
Ogden, UT 84401

Dear Weber County Commissioners Jim Harvey, Kerry Gibson and James Ebert,

This letter is to explain the reasoning behind the position of some of the Ogden Valley Planning Commissioners in regards to the Ogden Valley (outdoor) Lighting Ordinance with which you have been presented. The ordinance that we have voted on for recommendation to you has not come quickly nor without much thought. What you have before you is the result of many work sessions, multiple public hearings, numerous rough drafts and the personal deliberation of each commission member.

After all of that, it really came down to one question. Do we want a Dark Sky? The answer for us, and for the majority of the residents in Ogden Valley, is a resounding yes. The challenge we were faced with was how to best go about accomplishing this goal. We recognize that you might find the mandate of future residential homes to adhere to a certain standard to be too heavy handed. However, we have come to the conclusion that if we want a dark sky, then incentives alone will most likely not be enough. What we heard through holding multiple public hearings was that a majority of the Ogden Valley residents agree with and support the proposed ordinance in its entirety. People we talked with seemed to have a problem mandating existing residences, but did not seem to mind mandating future construction. We also learned that requiring lighting changes during construction reduces cost and minimizes light pollution.

We ask that as you consider this ordinance, please keep in mind that this is not just the desire of a special interest group, but the desire of the Planning Commissioners who have signed below and also what we believe to be the desire of the majority of the residents of Ogden Valley.

Respectfully,

Robert W. Wood

Gregory Z. Evans

John Lewis

Jan Taylor



# Attachment F

Letter from planning commission member Laura Warburton explaining the dissenting vote.

Dear Commissioners:

Thank you for your endless dedication to our county.

The Ogden Valley Planning Commission favorably passed a Dark Sky ordinance which is being forwarded to you for your consideration. I was the lone vote against. I love the idea of our community having a Dark Sky's designation but I can't support an ordinance mandating lighting of private residences. I am in favor of the ordinance for businesses, four-plex's, larger apartment and condominium complexes. For private residences, I prefer the route of using incentives and community outreach.

Mandates exist to protect a community from lethal and or devastating circumstances. They ought to be reasonable social contracts. The direction of a home light is not a lethal threat. There was even talk of regulating indoor residential lighting as has been done in other communities. In my opinion, this is a perfect example of over-reach.

My response to the reasons stated to pass this mandate:

1. If we do not have a mandate, we will lose our North Park designation –

We have the only county dark sky designation in the country and we did it without mandates. If we did it without mandates, why can't we continue without mandates?

2. "The majority of the Ogden Valley residents support dark skies" –

During the general plan process, there was strong support for dark skies. However, not once was the question asked, "Would you support mandating dark skies **for single family private residence?**"

Roughly, 2,896 citizens constitutes a majority of the Ogden Valley residents. Not once did the planning commission have a meeting where we heard from a majority of the citizens.

3. Preventing Light Trespass –

A twisted concept of property rights, light trespass, was used quite often to justify the residential mandate. The argument was that if a light from my neighbors house bothers me, then it's infringing on my property rights. Property rights means you get to put up blinds not you get to tell your neighbor they can't put up a light. Unfortunately, there are people who would use heavy-handed government to solve neighborhood problems. .

I amended the ordinance to include the creation of a Dark Skies Committee to include Valley residents, Ogden Valley Business Association members, Weber County Planners, and Ogden Chamber members. It can be tasked to formulate and execute an awareness and incentive program.

The proposed ordinance has a graduated implementation schedule. If the worry about losing our North Fork Park designation is as urgent as was conveyed then the schedule seems counterproductive. What it tells me is that it is not as urgent as was expressed. If that is the case, then we have time to create an awareness campaign. If we can't get people to do it voluntarily, is it really what the citizens want?

Enforcing planning ordinances are historically challenging. While new construction would facilitate the process somewhat seamlessly, the replacement of fixtures wouldn't be nearly as easy especially if there is resentment at being forced to comply in the first place. Unfortunately, there is not a lot of choice in dark sky fixtures yet. People will not find it easy to comply if they have specific ideas about fixtures. Do we really want people to be breaking the law over the fashion of light fixtures?

I want to pay my sincere respect to Janet Muir for her efforts in recognizing the value of a dark sky community. She has methodically, respectfully, and efficiently championed this cause. She is a shining example to all citizens of effective development of grass root public policy.

I want to make it very clear that I hold my fellow commissioners in high regard. I respect them. We put in many hours of thoughtful discussion on this topic. I appreciate their opinions. I value their independent thought. I garner much from our different backgrounds. I understand why they voted in favor of this ordinance. I considered each point of view. I simply do not agree.

I also want to acknowledge our incredible planning staff. What a talented and dedicated group of people!

Respectfully,

Laura Warburton