



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: 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, April 28, 2020

Applicant: Weber County Planning Division

File Number: ZTA 2020-01

Frontier Project Address: <https://frontier.co.weber.ut.us/p/Project/Index/9892>

Staff Information

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Report Reviewer: CE

Applicable Ordinances

§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

Over the past several months the Planning Commission has been working with staff on revisions to the Ogden Valley Outdoor Lighting ordinance and Ogden Valley Signs ordinance to send to the County Commission for formal consideration. The proposed revisions are intended to clean up a few clerical errors in addition to clarifications and modifications to a few of the existing standards based on lessons learned and potential loop holes found through administration of the ordinance since 2017. The ordinance drafts attached (Exhibits A & B) are a result of that effort.

This staff report will offer an analysis of the differences between the proposed drafts and the existing ordinances.

Policy Analysis

Policy Considerations:

Ogden Valley Outdoor Lighting Ordinance Amendments (See Exhibit A):

Clerical Edits:

A few clerical edits have been made through the ordinance to fix a few minor items.

Clarifying edits to the Applicability section (Sec 108-16-2(a)):

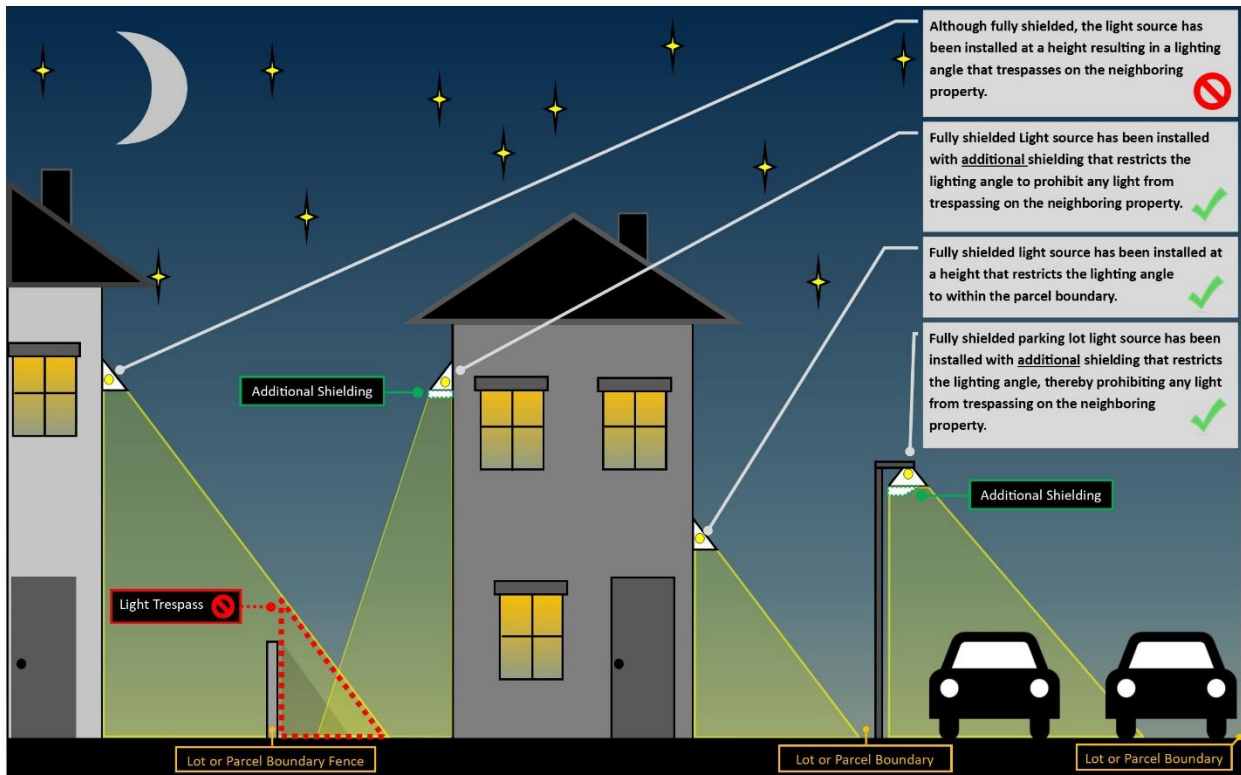
These edits have been made in an effort clarify how the ordinance requirements apply to single-family, two-family, and three-family residential uses that existed on or before August 1, 2017. In the existing ordinance, there are a few uses of exemption language that could lead a reader to believe that these residential uses are required to bring their outdoor lighting into conformance on or before the ten year deadline outlined in Sec. 108-16-7(1). This is not the intention. All new residential uses (except for multi-family units of four or

more families) must have night sky compliant lighting. However existing residential uses (except for multi-family units of four or more families) do not have to bring their outdoor lighting into compliance with the ordinance requirements within 10 years. They DO however need to comply with the conversion requirements outlined in Sec 108-16-7 (2) – (5).

Clarification to shielding requirements (Sec. 108-16-3):

We have found that a few lights have been installed, or proposed to be installed in which the selected light fixture is compliant with the lighting standards in the existing ordinance. However due to the installation location or height, the fixture’s angle of light travel would extend beyond the property’s boundary and create light trespass. For this reason we have inserted some clarifying language to indicate that installation location and height must be considered in addition to the standard shielding requirements to prevent trespass.

Additionally, we have created a new graphic to add to Sec. 108-16-11 to graphically depict this requirement. See below:



Clarification to the applicability of artificial light sources for “multi-family” land uses (Sec 108-16-4(1)):

For the purposes of this chapter, multi-family dwellings have been clarified to follow the definition of a multi-family dwelling in Sec. 101-1-7. This clarification is needed to determine how this chapter will apply to multi-family units of more than four dwellings and less than four dwellings. As amended, multi-family dwellings that house four or more families shall be subject to the specific standards (Sec. 108-16-4) of the ordinance as well as the required replacement of nonconforming outdoor lighting (Sec. 108-16-7).

Edits and additional provisions to specific uses of motion sensor controlled artificial light sources:

Due to the popularity of motion detection and illuminated security cameras, staff has proposed a number of amendments to both the Light Curfew section under Specific Standards (Sec 108-16-4(1)) and the Motion Sensor Controlled Light Source section under the Exemptions (Sec. 108-16-5(8)). These edits are geared to take advantage of the motion sensor technology to allow additional lighting options and flexibility. Some of these amendments allow lighting to exceed the general standards, so long as the amount of time these lights are on is shortened from 10 minutes to 2 minutes after the last detection of motion. Staff believes that these edits will allow more flexibility in the use of motion-controlled lights while also further mitigating the overall outdoor lighting impacts.

Clarification to the use of low output light sources within existing light fixtures (Sec 108-16-5(6)):

We have learned through the enforcement of the existing Ogden Valley Outdoor Lighting Ordinance, that many individuals have proposed using low output lighting sources within existing fixtures as a loophole to the requirements to replace old fixtures with those that are Night Sky compliant. To address this, staff has added language to this section to indicate that low output light sources may not be used within existing fixtures unless the are 1) rated to produce a lighting output of 105 lumens or less or 2) conforms to the shielding standards found in the General Standards section.

Removal of the existing Enforcement section (Sec 108-16-8(b)):

This edit has been proposed as the more recently adopted code enforcement section of the Land Use Code (Sec 102-4-4) was adopted with the intent of standardizing all code enforcement efforts.

Removal of county staff from the list of Dark Sky Committee members (Sec 108-16-8 (c)):

This modification to the list of committee members was made at the suggestion of the public as an effort to keep this committee run by public volunteers.

Clarifying edit to the shielding graphic (Sec 108-16-10):

This edit has been made to the graphic to keep “Fully Shielded” and “Full Cut Off” terminology consistent.

Ogden Valley Signs Ordinance Amendments (See Exhibit B)

Added language to Movie Poster Signs section (Sec. 110-2-10):

This language has been added to require movie poster signs to be compliant with the Ogden Valley Outdoor Lighting ordinance.

Additions to the Illumination Standards (Sec. 110-2-12(b)(3)a.1.):

Additional language has been added to the Illumination section to allow an exemption to illumination requirements for directional or circulation signage that are completely shielded from outside the property boundaries.

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.¹

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.²

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.

¹ See 2016 Ogden Valley General Plan page 4.

² See 2016 Ogden Valley General Plan page 5.

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.³

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.

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.⁴

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 proposed amendments to the Ogden Valley Lighting ordinance and Ogden Valley Signs ordinance in two past work sessions.

Noticing Compliance

A hearing for this item will held on April 28, 2020 with the Planning Commission in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

Posted on the County's Official Website (10 days prior to the public hearing)

Posted on the Utah Public Notice Website (10 days prior to the public hearing)

Published in a local newspaper (10 days prior to the public hearing)

Staff Recommendation

Staff recommends that the Planning Commission consider the text included as Exhibit A and Exhibit B and offer staff critical feedback for additional amendments. At a time that the Planning Commission is comfortable with the proposal, it could be passed to the County Commission 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 clarify provisions in the Land Use Code.
3. The clarifications will provide for a more efficient administration of the Land Use Code.
4. The changes will enhance the general health and welfare of County residents.

Exhibits

- A. Proposed Amendments to the Ogden Valley Outdoor Lighting Ordinance (track changes)
- B. Proposed Amendments to the Ogden Valley Signs Ordinance (track changes)

³ See 2016 Ogden Valley General Plan page 8.

⁴ See 2016 Ogden Valley General Plan page 26.