

OGDEN VALLEY PLANNING COMMISSION

AMENDED PLANNING MEETING AGENDA

December 06, 2016

5:00 p.m.

*\*Pledge of Allegiance*

*\*Roll Call*

1. Consent Agenda:

1.1. Rules of Order: Approval of the Rules of Order

2. Petitions, Applications and Public Hearings

2.1. Legislative Items

a. New Business:

1. EV 2016-05: A public hearing to consider and make a recommendation on a request to vacate a portion of the Old Snowbasin Road, a dedicated public thoroughfare located at approximately 5923 Snowbasin Road

2. 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.

3. Public Comment for Items not on the Agenda

4. Remarks from Planning Commissioners

5. Planning Director Report

6. Remarks from Legal Counsel

7. Adjournment

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah. Work Session will be held in the Breakout Room. A pre-meeting will be held at 4:30 p.m. in Room 108, no decision will be made in this meeting*

**Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.**

*In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791*

**RULES OF ORDER**  
**WEBER COUNTY PLANNING COMMISSIONS**  
November 21, 2016

**A. ORGANIZATION**

**1. Appointment and Removal of Planning Commissioners**

The Weber County Code describes how Planning Commission members are appointed and removed. Planning Commissioners are appointed by a majority vote of the County Commission. Planning Commissioners may be removed for cause, also by a majority vote of the County Commission.

**2. Appointment of Chair and Vice Chair**

The Commission, at its first regular meeting in January of each year, shall select a Chair and Vice Chair, who may be elected to succeed themselves for one additional term only. If a vacancy arises in one of these offices during the year, the Commission shall elect a new Chair or Vice Chair at its next meeting. That person shall serve in that position for the rest of the year and may then be elected for one additional year.

**3. Chair - Duties**

(a) The Chair shall preside at all meetings of the Commission providing general direction for the meetings, assuring proper order of the Commission and public in all proceedings. Such duties shall include:

- i. Announcing the business before the Commission in the order in which it is to be acted upon;
- ii. Receiving and submitting in the proper manner all motions and propositions presented by the members of the Commission;
- iii. Putting to a vote all questions, which are properly moved, or necessarily arise in the course of proceedings and to announce the result thereof;
- iv. Informing the Commission, when necessary, or when referred to for that purpose, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon Legal Counsel for advice;
- v. Maintaining order at the meetings of the Commission;
- vi. Moving the agenda along, holding down redundancy, referencing handouts and procedures in a respectful way during meetings;
- vii. Recognizing speakers and Commissioners prior to receiving comments and presentations of physical evidence, i.e., plans and pictures; and
- viii. Receiving documents or other physical evidence as part of the record.

(b) It shall be the duty of the Chair to authenticate by signature when necessary, or when directed by the Commission, all of the acts, orders and proceedings of the Commission.

(c) The Chair may rule out of order any comment which is irrelevant, personal, or not pertinent to the matter being heard.

**4. Duties of the Vice Chair**

The Vice Chair, during the absence of the Chair, shall have and perform all the duties and functions of the Chair.

**5. Temporary Chair**

In the event of the absence of, or disability of both the Chair and Vice Chair, the Commission shall elect a temporary Chair to serve until the Chair or Vice Chair so absent or disabled shall

45 return, or the disability shall be removed, as the case may be. In such event, the temporary  
46 Chair shall have all the powers and perform the functions and duties herein assigned to the  
47 Chair of the Commission.

48 **6. Secretary - Duties**

49 The Planning Director or his/her designee shall serve as secretary of the Commission. The  
50 secretary shall have the following duties:

- 51 (a) Give notice of all Commission meetings as hereinafter provided; attend every meeting  
52 of the Commission, to record for the record all members in attendance, to read  
53 communications, resolutions and other papers which are ordered to be read by the  
54 Chair of the meeting, and to receive and bring to the attention of the Commission  
55 messages and other communications from other sources;
- 56 (b) Keep the minutes of the proceedings of the Commission and to record the same;
- 57 (c) Keep and maintain a file of all records pertaining to the work of the Commission, in  
58 accordance with state and county record retention laws and policies; and
- 59 (d) Perform such other duties as may be required by these rules.

60 **B. CONDUCT OF MEMBERS OF THE COMMISSION**

61 **1. Addressing Members**

62 Commission members shall be addressed as "Commissioner" or Mr. or Ms. and their last name.

63 **2. Preparation**

64 Members of the Commission shall take such time as necessary to prepare themselves for  
65 meetings. If members visit a site or have familiarity with a site, they shall disclose any  
66 observations.

67 **3. Members Shall Attend Meetings**

68 Every member of the Commission shall attend the meetings of the Commission unless duly  
69 excused or unless unable to attend because of extenuating circumstances. Any member desiring  
70 to be excused shall notify the secretary. The secretary shall call the same to the attention of the  
71 Chair. If a member of the Planning Commission is absent from three consecutive regular or work  
72 session meetings or four regular or work session meetings within a calendar year without being  
73 excused by the Chair, the Chair may recommend to the County Commission that the member be  
74 removed from the Commission for cause.

75 Planning Commission members shall attend all training that is required by state or county law.

76 **4. Conflict of Interest**

77 Near the beginning of each meeting, the Chair shall ask whether any member of the Planning  
78 Commission has any conflicts of interest to disclose. A member who knows that he/she has a  
79 conflict of interest in a matter on the agenda for that meeting shall state that such a conflict of  
80 interest exists. A member who feels that he/she, or any other member of the Commission, *may*  
81 have a conflict of interest on any matter that is on the agenda shall explain the possible conflict  
82 to the Commission, and the Commission shall then vote to decide whether an actual, apparent,  
83 or reasonably foreseeable conflict of interest does exist. A Commissioner who has a conflict of  
84 interest shall not participate in the discussion and voting on that matter, but shall leave the  
85 meeting during the time in which the matter in question is being discussed and voted upon, and  
86 shall not attempt to influence other Commissioners regarding that matter before, during, or  
87 after the meeting, except as allowed in paragraph 4(d) (below).

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(a) Disqualification

No member of the Planning Commission shall participate in the discussion of an application or vote on an application for any action when any of the following conditions exist:

- i. Any of the following have a direct or substantial financial interest in the proposal: members of the Planning Commission or the member's spouse, brother, sister, child, parent, father-in-law, or mother-in-law; any business in which the member is then serving or has served within the past two (2) years; or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
- ii. For any other reason, the member has determined that participation in the decision cannot be in an impartial manner.

(b) Disclosure of Potential Conflict of Interest

Whether or not he/she is disqualified, a public official shall disclose any potential conflict of interest as required by state law, including Chapter 17-16a of the Utah Code.

(c) Ex Parte Contacts

An ex parte contact is any communication with a party or person outside of a planning commission meeting regarding administrative applications. Commissioners are not to engage in these communications. Anyone speaking to Commissioners on administrative matters should do so at a regular meeting so their comments, concerns, and evidence are on the public record. Administrative matters, generally speaking, are applications that are to be reviewed for compliance with existing ordinances, and the Planning Commission is typically the decision maker (although county ordinances may require county commission approval in some cases). Examples include subdivision reviews, conditional use permit applications, and design reviews.

On the other hand, communications regarding legislative matters are permitted. Legislative matters, generally speaking, are policy decisions to be made by the county commissioners, following consideration of the Planning Commission's recommendations. Examples include adoption or amendment of the General Plan, adoption or amendment of land use ordinances, and zoning and rezoning decisions.

Communication with planning staff members is not an ex parte contact and is allowed.

Planning Commission members shall reveal any pre-meeting or ex parte contacts with regard to administrative matters at the commencement of the public meeting on the matter. Prearranged private meetings between a Planning Commissioner and applicants, their agents, or other interested parties are prohibited. Partisan information on an application received by a Planning Commissioner whether by mail, telephone or other communication should be made part of the public record. If such contacts have impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall abstain.

(d) Planning Commission Members Wishing to Give Comment

A member who desires to comment on a matter in which the member has a conflict of interest may do so only after declaring the conflict, declaring an intent to comment as an interested member of the public and not in his/her capacity as a member of the Commission, abstaining from voting on the proposal, and vacating the seat and physically joining the audience. When commenting, the member shall again make full disclosure of his/her position and state that he/she is commenting in an individual capacity. After commenting, the member shall leave the Commission Chamber during the time in which the matter in question is being discussed and voted upon. If a member is an applicant, he/she can fully participate in the matter.

134 (e) Gifts and Favors  
135 Gifts and favors standards are found in UCA 17-16a-4. No public officer or employee shall  
136 knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift, compensation or  
137 loan for themselves or another if it tends to influence them in the discharge of duties.  
138 Exceptions to this are: an occasional non-pecuniary gift having a value less than \$50 or an award  
139 publicly presented in recognition of public service.

140 (f) Treatment of Information  
141 Reports and official records of a public planning agency must be open on an equal basis to all  
142 inquiries. Planning advice should not be furnished to some unless it is available to all. All reports  
143 in an official meeting agenda are public information.

144 (g) Political Activity  
145 Membership in a political party and contributions to its finances or activities are matters of  
146 individual decision that should neither be required of nor prohibited to Planning Commissioners.  
147 The extent of participation in political activities should be governed by professional judgment as  
148 well as limited by any applicable civil service law or regulation. The special position of a Planning  
149 Commissioner should not be used to obtain contributions or support for a political party and  
150 should not be used to obtain partisan favors.

151 **C. MEETINGS**

152 1. Place  
153 Meetings of the Commission shall be held in the Weber County Commission Chambers on the  
154 first floor of the Weber Center Building, Ogden, Utah, 2380 Washington Blvd., Ogden. If the  
155 Chambers is not available on those dates, then the meeting may be held in another room of the  
156 Weber Center Building or at such other place in Weber County as the Commission may  
157 designate. A meeting having been convened at the place designated, may be adjourned by the  
158 Commission to any other place within Weber County for the sole purpose of investigating some  
159 particular matter of business which may be more conveniently investigated at such other place.

160 2. Regular Meetings  
161 Regular meetings of the Western Weber Planning Commission shall be held on the second  
162 Tuesday of each month at 5:00 p.m. Field trips may be held on the second Tuesday of each  
163 month at the hour of 3:00 p.m. or at such other appropriate times. In the event that a field trip  
164 is not held then a pre-meeting will be held at 4:30 p.m.

165 Regular meetings of the Ogden Valley Planning Commission shall be held on the fourth Tuesday  
166 of each month at 5:00 p.m. Field trips may be held on the fourth Tuesday of each month at the  
167 hour of 3:00 p.m. or at such other appropriate times. In the event that a field trip is not held  
168 then a pre-meeting will be held at 4:30 p.m.

169 The purpose of a pre-meeting is to help Commissioners be better prepared for the meeting. The  
170 Commission reviews and discusses the agenda, and staff is available to answer clarifying  
171 questions. The pre-meeting is a public meeting, complying with the notice and recording  
172 requirements for public meetings. No decisions are made during the pre-meeting.

173 The date of the regular meeting may be changed by the majority of the total membership of the  
174 Planning Commission provided at least one week notice is given each member of the new date  
175 of a regular meeting.

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3. Special Meetings

A special meeting may be called at any time by the Chair or by a majority vote of the Commission at any regular meeting of the Commission. Notice shall be given to each Commission member of the time and purpose of every special meeting of the Commission at least twenty four (24) hours prior to such meeting. Such notice shall be delivered to each member of the Commission personally, or may be given by telephone to the member of the Commission. Such notice may also be given by United States Mail, directed to the member of the Commission so to be notified at the member's residence and mailed not less than three (3) days prior to the time fixed for such special meeting. It is specifically provided, however, that any member may, in writing, waive prior notice of the time, place and purpose of such meeting; and such waiver, if made, shall be deemed a waiver of prior notice of the time and purpose thereof.

4. Meetings - Matters Considered

Any matter pertaining to the affairs of the Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular or special meeting of the Commission.

5. Quorum

Four members of the Commission shall constitute a quorum thereof for the transaction of all business except where unanimous consent of all members is required. An abstaining or disqualified member of the Planning Commission shall not be counted as if present for purposes of forming a quorum. Except as otherwise specifically provided in these Rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.

6. Work Sessions

Work sessions are meetings in which the Commission may discuss matters at greater length or obtain additional background information on issues that will be coming before it. The Commission shall take no vote during work sessions, except to give directions to Staff regarding the presentation of options for future consideration. Regular work sessions are as follows:

A regular work session of the Western Weber Planning Commission shall be held on the second Tuesday of each month, at the end of the regular meeting.

A regular work session of the Ogden Valley Planning Commission shall be held on the first Tuesday of each month at the hour of 5:00 p.m.

No pre-meeting is held before a work session. If necessary, a special meeting may be called and held together with the regular work session, to allow consideration of an application or other matter requiring Commission action. Additional work sessions may be held as part of regular or special Commission meetings or may be called separately in the same manner as a special meeting.

7. Open Meetings Law

All meetings of the Planning Commission, including pre-meetings and work sessions, shall be open to the public and shall be noticed in conformance with the requirements of the Open and Public Meetings Law of the State of Utah.

222 8. Length of Meetings  
223 At 8:30 p.m. the Planning Commission will finish the item presently being considered. All items  
224 remaining to be heard will be forwarded to the next agenda for consideration.

225 **D. PROCEDURE - ORDER OF BUSINESS**

226 1. Order of Business

227 The order of business in the Commission shall be as follows:

- 228 (a) Chair opens the meeting and welcomes those in attendance
- 229 (b) Pledge of Allegiance
- 230 (c) Chair notes absences, and the names of those present and those absent shall be  
231 entered on the record
- 232 (d) Chair reads opening meeting statement, as needed
- 233 (e) Chair asks commissioners if there have been any ex parte communications or if there  
234 are any conflicts of interest to disclose
- 235 (f) Approval of minutes of prior meetings
- 236 (g) Consent Agenda
- 237 (h) Petitions, Applications and Public Hearings
  - 238 i. Administrative Items
    - 239 (1) Old Business
    - 240 (2) New Business
  - 241 ii. Legislative Items
    - 242 (1) Old Business
    - 243 (2) New Business
- 244 (i) Public Comment for Items not on the Agenda
- 245 (j) Planning Commission Remarks
- 246 (k) Planning Director Report
- 247 (l) Legal Counsel Remarks
- 248 (m) Chair Adjourns Meeting

249 2. Agenda for Meetings

250 The secretary shall prepare a written agenda for each meeting as far in advance thereof as  
251 possible. The secretary shall make every effort to deliver the agenda, along with Staff Reports  
252 and related documents, to the members of the Commission at least seven (7) days in advance of  
253 a regular meeting.

254 3. Approval of Minutes from Prior Meetings

255 The Chair shall ask the Commissioners if they have had the opportunity to read the minutes and  
256 if there are any additions or corrections. Upon hearing from the Commission, the Chair shall  
257 declare the minutes approved either as presented or amended. If the Commission has not had  
258 an opportunity to review the minutes, approval shall be postponed to the next meeting.

259 4. Consent Agenda

260 A consent agenda consists of items that do not require discussion or debate, typically because  
261 they are routine procedural items or because it is believed that they will be non-controversial  
262 and will be unanimously supported. Consent agenda items are approved together, through a  
263 single vote, without discussion. The following procedure shall be used for consent agendas:

- 264 (a) The Planning Director shall determine which items shall be on the consent agenda, list  
265 those items on the consent agenda, and include all supporting reports and documents  
266 with the packet that is delivered to Commissioners before the meeting.

- 267 (b) Commissioners, as part of their duties in preparing for the meeting, shall become  
 268 familiar with all consent agenda items and shall decide whether or not they support  
 269 approval of those items, as well as whether or not, in their opinion, each item will  
 270 require discussion during the meeting.
- 271 (c) When the consent agenda comes up during the meeting, the Chair shall read the items  
 272 on the consent agenda and ask whether any Commissioner wants any item removed, to  
 273 allow that item to be discussed and voted on separately during the meeting.
- 274 (d) If any Commissioner opposes an item on the consent agenda or believes that the item  
 275 requires discussion, the Commissioner shall request that the item be removed from the  
 276 consent agenda.
- 277 (e) If any Commissioner requests that an item be removed from the consent agenda, it  
 278 must be removed. The Chair shall decide when the item shall be discussed during the  
 279 meeting.
- 280 (f) When there are no more items to be removed, the Chair shall note, for the record,  
 281 which items have been removed and shall call for a vote on approval of the remaining  
 282 items on the consent agenda. There shall be no discussion. Approval requires a  
 283 unanimous vote.
- 284 (g) If any person other than a Commissioner asks for a consent agenda item to be  
 285 discussed, the Chair shall decide whether or not the item should be removed from the  
 286 consent agenda.

287 5. Deadline for Agenda

288 Requests to be on a Planning Commission agenda shall be filed 45 days prior to consideration by  
 289 the Planning Commission. The Planning Staff shall certify completeness of requests. Certified  
 290 requests which have been filed in a timely manner shall be placed on the agenda. The deadline  
 291 may be waived by the Planning Director if he/she determines that good cause exists for waiving  
 292 the deadline, the application is complete, and Staff has sufficient time to analyze the request,  
 293 adequately prepare a Staff Report and give proper notice.

294 6. Special Order of Business

295 The Commission may suspend the rules as to the order of business, or return to an order already  
 296 passed, on a motion supported by a majority of the members present.

297 **E. ORDER AND DECORUM**

298 1. Order of Consideration of Items

299 The following procedure will normally be observed; however, it may be rearranged by the Chair  
 300 for individual items, if necessary, for the expeditious conduct of business:

- 301 (a) Chair introduces item;
- 302 (b) Staff orients the project (type of use and decision, criteria and standards to be applied,  
 303 location, zoning, etc.);
- 304 (c) Applicant or applicant's agent explains the proposal and presents supporting evidence;
- 305 (d) Staff reports on staff recommendations;
- 306 (e) If it is a public hearing, then other interested people may comment;
- 307 (f) Planning Commission members may question staff, applicant, or others on all the above;
- 308 (g) Applicant's rebuttal if requested;
- 309 (h) Closing of the public hearing, if applicable;
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- 311 (i) Concluding comments of Staff or Staff summary and recommendations;  
312 (j) The Planning Commission makes its decision, following the processes described below.
- 313 2. Consideration of Items
- 314 All parties shall have an opportunity to be heard, to present and rebut evidence before an  
315 impartial tribunal, to have the proceedings recorded, and to have a decision rendered in  
316 accordance with the facts on record and the law.
- 317 The Chair of the Planning Commission shall have authority to:
- 318 (a) Regulate the course and decorum of the meeting.  
319 (b) Address procedural requests and similar matters.  
320 (c) Set reasonable time limits for individual public input, oral presentations, questions,  
321 rebuttal information, and discussion.  
322 (d) Question any person appearing, and allow other members to question any such person.  
323 (e) Waive, at his/her discretion, the application of any rule herein where the circumstances  
324 of the meeting indicate that it would be expedient and proper to do so, provided that  
325 such waiver does not act to prejudice or deny any party his/her substantial rights as  
326 provided herein or otherwise by law.  
327 (f) Take such other action as authorized by the Planning Commission to appropriately  
328 conduct the meeting.
- 329 A ruling of the Chair may be challenged by any member of the Planning Commission present at  
330 the meeting. The challenge must be seconded. A ruling may be reversed by a majority of the  
331 members present and voting. A tie vote upholds the Chair's decision.
- 332 3. Conduct of Persons before the Commission
- 333 Proceedings shall at all times be orderly and respectful. The Chair may refuse to recognize or  
334 exclude from the meeting anyone who:
- 335 (a) Is disorderly, abusive, or disruptive.  
336 (b) Takes part in or encourages audience demonstrations such as applause, cheering,  
337 display of signs, or other conduct disruptive to the meeting.  
338 (c) Comments without first receiving recognition from the Chair and stating his/her full  
339 name and residence.  
340 (d) Presents irrelevant, immaterial, or repetitious evidence.
- 341 Persons making presentations or providing comments to the Planning Commission shall address  
342 the Commission from the podium or microphone and not from the audience; shall address all  
343 comments to the Planning Commission; and may not directly question or interrogate other  
344 persons in the audience.
- 345 4. Questions and Comments by Commissioners
- 346 During all meetings, the Chair shall maintain order when Commissioners are discussing items,  
347 both with each other and with other people. A Commissioner who wants to make a comment or  
348 ask a question shall obtain the floor by asking to be recognized by the Chair. If the Chair  
349 consents, then the Commissioner may make the comment or ask the question. The Chair may  
350 choose to allow a continuing line of discussion without the need for Commissioners to seek  
351 recognition before each question or comment, but the Chair must ensure that discussions  
352 remain appropriate and relevant to the matter at hand, and may at any time require  
353 Commissioners to obtain recognition from the Chair before further questions or comments.  
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355 **F. PROCEDURE - MOTIONS**

356 **1. Motions—Typical Process**

357 Planning Commission decisions are made through the process of making and voting on motions.  
358 The following is a summary of the typical process and some of the key foundational rules for  
359 motions:

- 360 (a) After the Planning Commissioners have reviewed the full public record and heard any  
361 presentations or comments regarding a request, the Chair invites Commissioners to  
362 make a motion. The Chair may choose to outline possible actions, such as approval,  
363 denial, tabling, or approval with conditions.
- 364 (b) Any Planning Commissioner, except for the Chair, may make a motion to propose what  
365 decision the Commission should make on the request. The motion shall include not only  
366 the proposed decision, but also a recitation of specific findings of fact supporting the  
367 proposed decision.
- 368 (c) Any Commissioner, including the Chair, may second the motion, which will allow for  
369 discussion and voting on the motion.
- 370 (d) A motion dies in the absence of a second.
- 371 (e) Once the motion has been seconded, the Chair “states the motion” and opens it up for  
372 discussion by saying something like, “We have a motion and a second. Is there any  
373 discussion?”
- 374 (f) Members discuss the motion. Discussion of the motion should not take place until after  
375 it has been seconded and the Chair has stated the motion and called for discussion.  
376 During this time, members are allowed to openly discuss the proposal and may further  
377 question any party appearing for or against the proposal as necessary (but generally,  
378 questions should be asked during the time for presentations and comments).
- 379 (g) After the discussion, the Chair calls for a vote on the motion. Voting procedures are as  
380 follows:
- 381 i. Voting  
382 Voting occurs by voice vote. The Chair shall announce the votes and the result,  
383 and the secretary shall record each member’s vote and shall also note those  
384 who are absent or otherwise not voting.
- 385 ii. How a Motion Passes  
386 A motion only passes if a majority of Planning Commissioners in attendance  
387 vote in favor of the motion, unless otherwise specified in these rules.
- 388 iii. Tie Votes  
389 If a motion regarding any matter before the Commission receives an equal  
390 number of votes in the affirmative and in the negative, the motion fails. If this  
391 happens, a Commissioner may make a different motion on the same subject,  
392 and this may continue until a majority vote is obtained. The option of continuing  
393 an item with the possibility that an odd number of members of the Commission  
394 will be at a subsequent meeting may be considered.
- 395 iv. Voting or Changing a Vote After Decision Announced  
396 No member shall be permitted to change his/her vote after the decision is  
397 announced by the Chair.

- 398 v. Commission Members Required to Vote - Late Arrival  
 399 No member may abstain from voting unless there is a conflict of interest, except  
 400 as noted below. A member entering the meeting late, but any time before the  
 401 final vote is taken, may vote. A member who has not been present during the  
 402 discussion of any matter and feels that he/she has insufficient information on  
 403 which to act may abstain.
- 404 vi. Explaining Vote  
 405 After the vote is taken, any member of the Commission desiring to explain  
 406 his/her vote shall be allowed an opportunity to do so.
- 407 vii. Not to Vote Unless Present  
 408 No member of the Commission shall vote on any question unless the member is  
 409 present when the vote is taken. Voting by proxy shall not be allowed.
- 410 2. Additional Options After a Motion Is Made
- 411 (a) Withdraw or Modify a Motion Before the Motion Is Stated
- 412 i. When a motion has been made but not yet stated by the Chair, whether or not  
 413 it has been seconded, it can be withdrawn by the mover by simply notifying the  
 414 Chair that he/she withdraws the motion.
- 415 ii. When a motion has been made but not yet stated by the Chair, whether or not  
 416 it has been seconded, the mover can modify his/her motion. To do so, the  
 417 mover notifies the Chair that he/she modifies the motion and what the  
 418 modification is.
- 419 iii. Modifying a motion after it has been seconded cancels the second. A new  
 420 second is required for the modified motion to proceed to discussion and a vote.
- 421 iv. Before a motion is stated by the Chair, any member may suggest that the mover  
 422 withdraw or modify his/her motion, but only the mover may do so. If the  
 423 motion is seconded and not modified or withdrawn, the Chair must state the  
 424 motion and call for discussion.
- 425 v. After the Chair states a motion, it is the property of the Commission. It can be  
 426 withdrawn or amended only by an additional motion, as described below.
- 427 (b) Motions in Order During Debate  
 428 After a motion has been stated and is open for discussion, no additional motion shall be  
 429 received except the following:
- 430 i. To fix the time to adjourn (requires a second but is not debatable)  
 431 ii. To adjourn (requires a second but is not debatable)  
 432 iii. To postpone to a specified time (requires a second and is debatable)  
 433 iv. To withdraw the original motion
- 434 (1) Only the member who made the original motion can make this request.  
 435 (2) The first step is for the mover to notify the Chair of his/her request to  
 436 withdraw the motion. The Chair shall announce that the mover has  
 437 made this request and shall ask for unanimous consent. If no member  
 438 objects, then the Chair shall declare the original motion withdrawn.  
 439 (3) If a member objects, then the request to withdraw is considered denied;  
 440 however, at that time, the mover may make a formal motion to

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withdraw the original motion, in which case the Chair shall call for a second. If there is no second, then the motion to withdraw dies, and the discussion of the original motion continues. If there is a second, then the Chair shall state the motion to withdraw and put it to a vote, without debate.

(4) If a request or motion to withdraw is granted, then it is as if the motion had not been made in the first place, so the mover (or any other Commissioner) can make that same motion again at the same meeting.

v. To amend

(1) All amendments must relate to the same subject as the original motion.

(2) A “friendly amendment” is an amendment that makes no substantive changes, but is a minor technical amendment appropriate for clarification or correction. A Commissioner may offer a friendly amendment without a formal motion, and if the Chair determines that no member objects, then the Chair shall declare the original motion so amended. If any member objects to the friendly amendment, then the request dies, although any member may then make the request again through a formal motion, following the procedure described below.

(3) Any amendment other than a friendly amendment must be offered by motion. If the motion to amend is seconded, then the Chair shall state the motion and call for discussion and then a vote on whether or not to amend the original motion. If the motion to amend fails, then the original motion is back under consideration. If the motion to amend passes, then the original motion is superseded, and the amended motion is under consideration and shall be put to a vote after any necessary discussion.

(4) A motion to amend may be withdrawn or tabled without prejudice to the original motion. Likewise, if a motion to amend passes, but the amended motion then fails to pass, then any Commissioner may make the original motion again. In other words, if an attempt is made to amend an original motion, and the Commission does not end up voting in favor of the amended motion, then the original motion may be re-made.

- vi. To refer to committee (requires a second and is debatable)
- vii. To call the question (i.e., immediately close debate and vote on the motion that is before the Commission) (requires a second but is not debatable)
- viii. To limit or extend limits of debate (requires a second but is not debatable)
- ix. To take a recess (requires a second but is not debatable)
- x. To call for orders of the day (i.e., insist that the schedule and agenda be followed) (does not require a second and is not debatable)
- xi. To suspend the rules (requires a second but is not debatable)
- xii. To appeal rulings by the Chair (requires a second and is debatable except when the ruling addresses indecorum, priority of business, or an undebatable underlying question)
- xiii. To reconsider an undebatable motion (requires a second but is not debatable)

- 487 3. Additional Rules Regarding Motions
- 488 (a) Motions to Deny
- 489 Where a motion to deny a request has been defeated, a member of the Commission
- 490 shall make another motion to dispose of the issue.
- 491 (b) Motion to Reconsider
- 492 A motion to reconsider a previous decision must be made in the same meeting as the
- 493 motion that was voted on. It can only be made by a member who voted on the
- 494 prevailing side and must be seconded. Any Commission member, regardless of vote on
- 495 the main motion, may second the motion. It is a debatable motion, as long as the main
- 496 motion was debatable. It can be made to a vote that was either affirmative or negative.
- 497 A motion to reconsider proposes no specific change in a decision but simply proposes
- 498 that the original question be reopened. It requires a majority vote and cannot be
- 499 reconsidered.

500 **G. DOCUMENTS OF THE COMMISSION**

- 501 1. Any and all materials submitted to the Planning Commission regarding a request shall be
- 502 entered into the public record by the Chair by indicating that the material is "accepted for the
- 503 record." The Staff Report submitted to the Planning Commission as part of the agenda shall
- 504 automatically become part of the public record.
- 505 2. All notices, agendas, requests, agency or consultant letters or reports, Staff Reports, minutes of
- 506 meetings, and resolutions of record shall constitute the documents of the Planning Commission
- 507 and shall be indexed as public record.

508 **H. AMENDMENT**

509 Any person may propose an amendment to these Rules of Order. The person shall present the proposal

510 to the Planning Commission, either orally or in writing, in any meeting or work session. The Planning

511 Commission may then amend the Rules of Order at any regular or special meeting that is held at least 14

512 days after the meeting in which the initial proposal was made. The regular rules for quorums, motions,

513 and voting apply.

514 **I. RECORDING OF RULES - COPIES TO BE FURNISHED**

515 These Rules, and all subsequent amendments thereto, shall be recorded by the secretary in the book

516 kept for the recording of such business and shall be furnished to each member of the Commission.

518 Effective Date: \_\_\_\_\_

519 \_\_\_\_\_

520 \_\_\_\_\_

521 Laura Warburton, Chair

522 Ogden Valley Planning Commission

Effective Date: \_\_\_\_\_

\_\_\_\_\_

Mark Whaley, Chair

Western Weber Planning Commission



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

|                             |  |
|-----------------------------|--|
| <b>Application Request:</b> | A public hearing to consider and make a recommendation on a request to vacate a portion of the Old Snowbasin Road, a dedicated public thoroughfare located at approximately 5923 Snowbasin Road. |
| <b>Type of Decision:</b>    | Legislative  |
| <b>Agenda Date:</b>         | Tuesday, December 6, 2016  |
| <b>Applicant:</b>           | Roger Dutson   |
| <b>File Number:</b>         | EV2016-06  |

### Property Information

|                                  |                           |
|----------------------------------|---------------------------|
| <b>Approximate Address:</b>      | 5923 Snowbasin Road       |
| <b>Project Area:</b>             | 1.6069 Acres              |
| <b>Zoning:</b>                   | Forest Valley Zone (FV-3) |
| <b>Existing Land Use:</b>        | Vacant                    |
| <b>Proposed Land Use:</b>        | Vacant                    |
| <b>Parcel ID:</b>                | N/A                       |
| <b>Township, Range, Section:</b> | T6N, R1E, Sec 23          |

### Adjacent Land Use

|               |                    |               |                    |
|---------------|--------------------|---------------|--------------------|
| <b>North:</b> | Forest/Residential | <b>South:</b> | Forest/Residential |
| <b>East:</b>  | Forest/Residential | <b>West:</b>  | Forest/Residential |

### Staff Information

|                          |  |
|--------------------------|--|
| <b>Report Presenter:</b> | Ronda Kippen<br><a href="mailto:rkippen@co.weber.ut.us">rkippen@co.weber.ut.us</a><br>801-399-8768 |
| <b>Report Reviewer:</b>  | SM   |

## Background and Summary

The applicant has submitted a request to vacate a portion of the "Old Snowbasin Road" that is dedicated to Weber County as a public thoroughfare (see Exhibit A for the application, narrative and maps). The subject area is adjacent to the applicant's current residence and is approximately 1.6069 acres. This portion of Old Snowbasin Road was established to provide a safe pull out area for a scenic overlook. This property has been dedicated and recorded with the Weber County Recorder's Office as Dedication Plat Entry# 782835 Book 22 Page 56 on July 11, 1979 (see Exhibit B for Dedication Plat). The applicant has been working with the Weber County Engineering Department regarding the vacation. The County Engineer does not see a need for the County to retain this property for any type of maintenance purposes.

Currently the applicant gains access to Lot 1 across the subject property to be vacated and has adequate frontage for Lot 1 of the Dutson Subdivision along the Old Snowbasin Road. If the County is willing to vacate this portion of the public thoroughfare, the applicant will proceed with an application to amend all of Lot 1, in the Dutson Subdivision; which is the applicant's current residence. The plat amendment will combine the 1.6069 acre parcel with the applicant's existing 6.9 acre lot and the applicant has committed to dedicate a public right of way along areas of the Old Snowbasin Road that are necessary for roadway maintenance purposes. Based on this commitment, the County Engineer has given a positive recommendation for the vacation of the subject property.

The requested area to be vacated is identified in "red" on the attached Exhibit C. The public thoroughfare that has been dedicated along the Old Snowbasin Road may be vacated by ordinance to relinquish the public interest in this area. The review, consideration and noticing of the requested street vacation has been done in compliance with Utah Code §17-27a-609.5 and §17-27a-208. Written approvals from the applicable review agencies have been obtained prior to this petition being forwarded for review and consideration by the planning commission.

## Summary of Planning Commission Considerations

The Planning Commission will need to determine if there will be any reason that the public's interest should not be relinquished by vacating the public interest in the subject property dedicated as a public thoroughfare. Utah Code §17-27a-609.5 states that *"The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:*

- (a) good cause exists for the vacation; and*
- (b) the public interest or any person will not be materially injured by the proposed vacation."*

## Conformance to the General Plan

The transportation goal in the Ogden Valley General Plan *"is to ensure that Ogden Valley has a transportation system that enhances mobility and connectivity, reduces congestion, and meets air quality standards without disturbing existing land uses"*. Old Snowbasin Road is an existing local road that is not currently nor proposed to be a collector or arterial thoroughfare into the Ogden Valley. The vacation of the subject property that is currently part of the public thoroughfare known as Old Snowbasin Road will not reduce the existing streetscape design nor have a negative effect on the "Active Transportation Plan" outlined in the Ogden Valley General Plan for a "Proposed Category 2: Bike Lane" (see the 2016 Ogden Valley General Plan pages 28-34).

## Staff Recommendation

Staff recommends approval of the request to vacate a portion of the Old Snowbasin Road, a dedicated public thoroughfare (street) located at approximately 5923 Snowbasin Road. This recommendation for approval is subject to all review agency requirements and is based on the following condition:

1. The applicant will submit an application for a plat amendment for all of Lot 1 in the Dutson Subdivision to combine the 1.6069 acre parcel with the existing 6.9 acre lot.
2. The ordinance to vacate the subject property will be recorded with the Weber County Recorder's Office in conjunction with the Dutson Subdivision plat amendment.

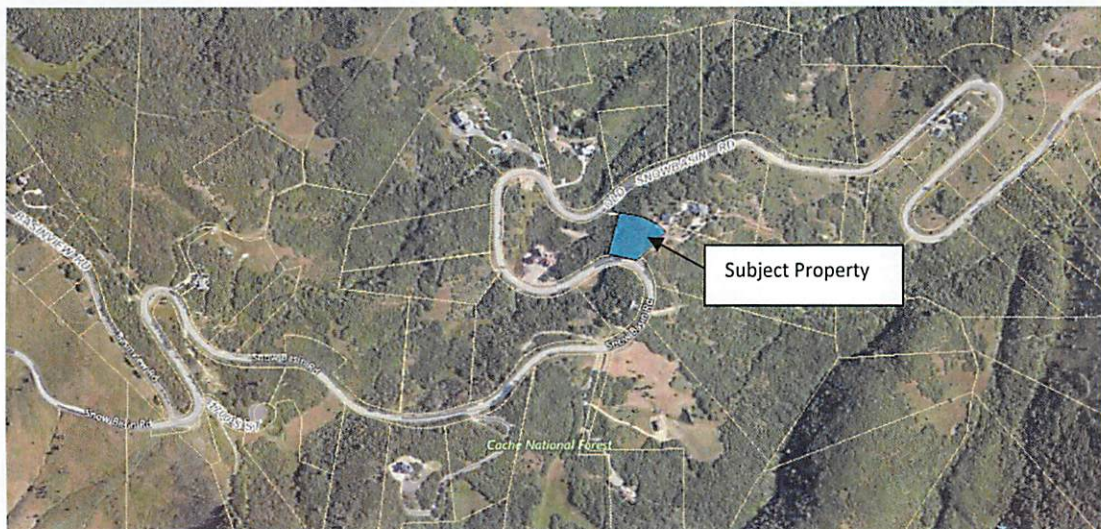
The recommendation is based on the following findings:

1. Vacating the proposed public thoroughfare will not have a negative effect on the Ogden Valley General Plan.
2. Based on the proposed subdivision amendment to dedicate to Weber County additional public right of way for maintenance purposes along Old Snowbasin Road, good cause exists to vacate the portion of the public thoroughfare.
3. The public interest or any person will not be materially injured by the proposed vacation.
4. The proposed vacation will not be detrimental to the public health, safety, or welfare.
5. The proposed vacation will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

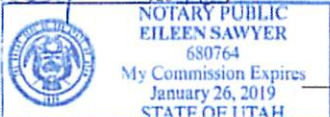
## Exhibits

- A. Application with Narrative and Aerial Map
- B. Dedication Plat
- C. Map of area to be vacated
- D. Public Comment received to date

## Location Map



**Exhibit A-Application, Narrative and Aerial Map**

| <b>Weber County Vacation Application</b>  |   |                                  |
|---|---|----------------------------------|
| Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401   |   |                                  |
| Date Submitted / Completed  | Fees (Office Use)   | Receipt Number (Office Use)      |
| <b>Requesters Contact Information</b>   |   |                                  |
| Name<br><i>ROGER DUTSON</i>   | Mailing Address<br><i>5923 Snow Basin Rd<br/>HUNTSVILLE, UT 84317</i>   |                                  |
| Phone<br><i>801-721-3512</i>  | Fax<br><i>N/A</i>   |                                  |
| Email Address<br><i>rogerdutson@yahoo.com</i>   | Preferred Method of Written Correspondence<br><input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail |                                  |
| <b>Property Information</b>   |   |                                  |
| Address   | Land Serial Number(s)<br><i>20-055-0042</i>   |                                  |
| Vacation Request<br><input type="checkbox"/> Easement <input checked="" type="checkbox"/> Road <input type="checkbox"/> Subdivision <input type="checkbox"/> Subdivision Lot  | Current Zoning<br><i>FV-3</i>   |                                  |
| Subdivision Name<br><i>DUTSON SUBDIVISION</i>   | Lot Number(s)<br><i>LOT 1</i>   |                                  |
| Project Narrative<br><i>See Exhibit A for description of area to be vacated. The area is a portion of a fan shaped widening of OLD SNOW BASIN ROAD, recorded as Plat Book 22, Page 56 of the County Plat Records.</i>   |   |                                  |
| <b>Property Owner Affidavit</b>   |   |                                  |
| I (We), <i>ROGER &amp; ANITA DUTSON (TRUST)</i> depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. |   |                                  |
| <i>Roger S. Dutson, Trustee</i><br>(Property Owner)   | <i>Anita S. Dutson, Trustee</i><br>(Property Owner)   |                                  |
| Subscribed and sworn to me this <i>9</i> day of <i>Sep</i> , 20 <i>16</i> .<br><i>State: Utah<br/>County: Weber</i>   |    | <i>Eileen Sawyer</i><br>(Notary) |



**Authorized Representative Affidavit**


I (We), ROGER & ANITA DUTSON TRUST the owner(s) of the real property described in the attached application, do authorize me as my (our) representative(s), ROGER & ANITA DUTSON, TRUSTEE to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Roger S. Dutson Trustee  
(Property Owner) ROGER DUTSON, TRUSTEE

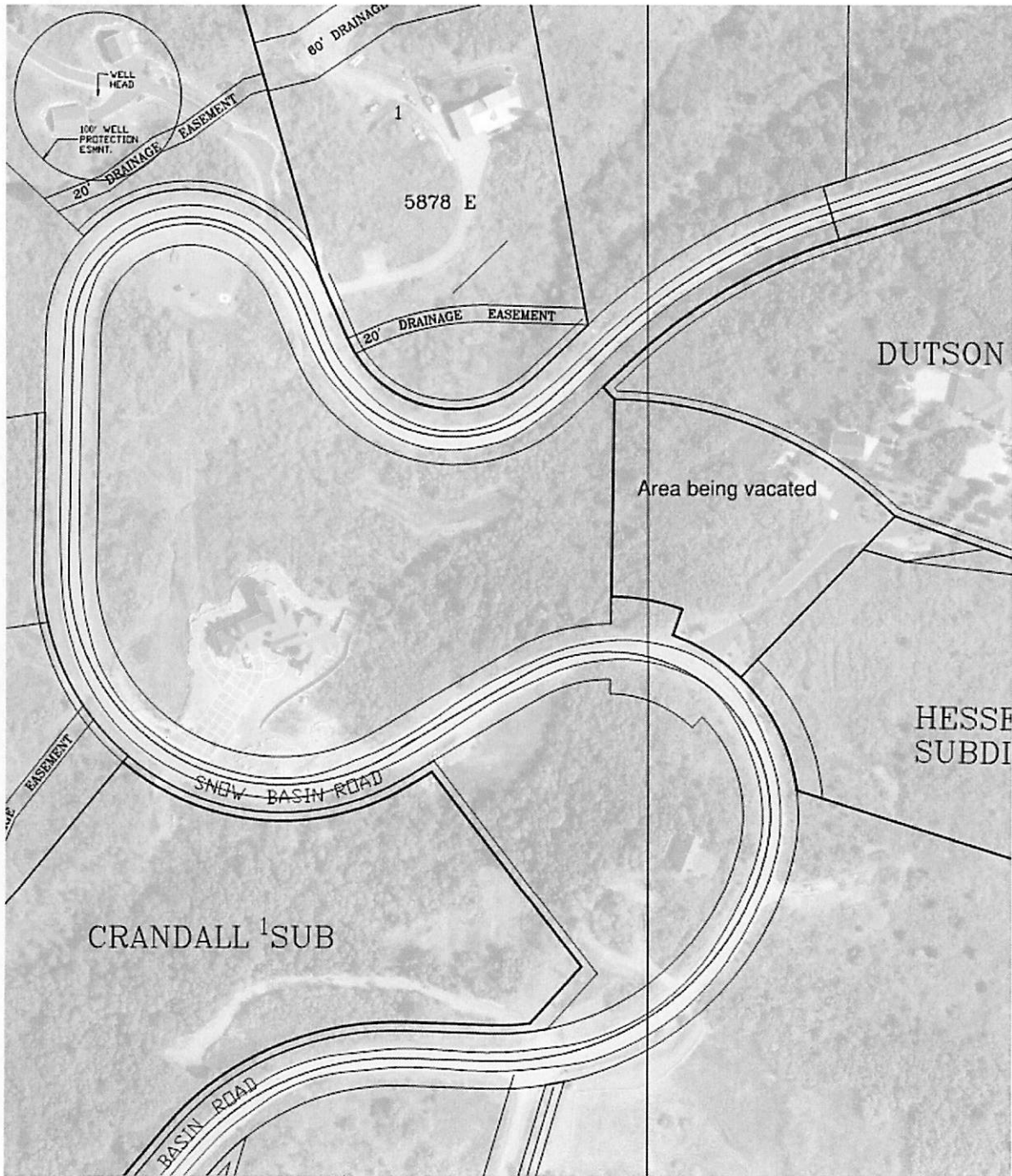
Anita S. Dutson Trustee  
(Property Owner) ANITA DUTSON, TRUSTEE

Dated this 9 day of Sep, 20 16, personally appeared before me Roger & Anita Dutson, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

State: Utah  
County: Weber



Eileen Sawyer  
(Notary)



65-22

# DEDICATION PLAT

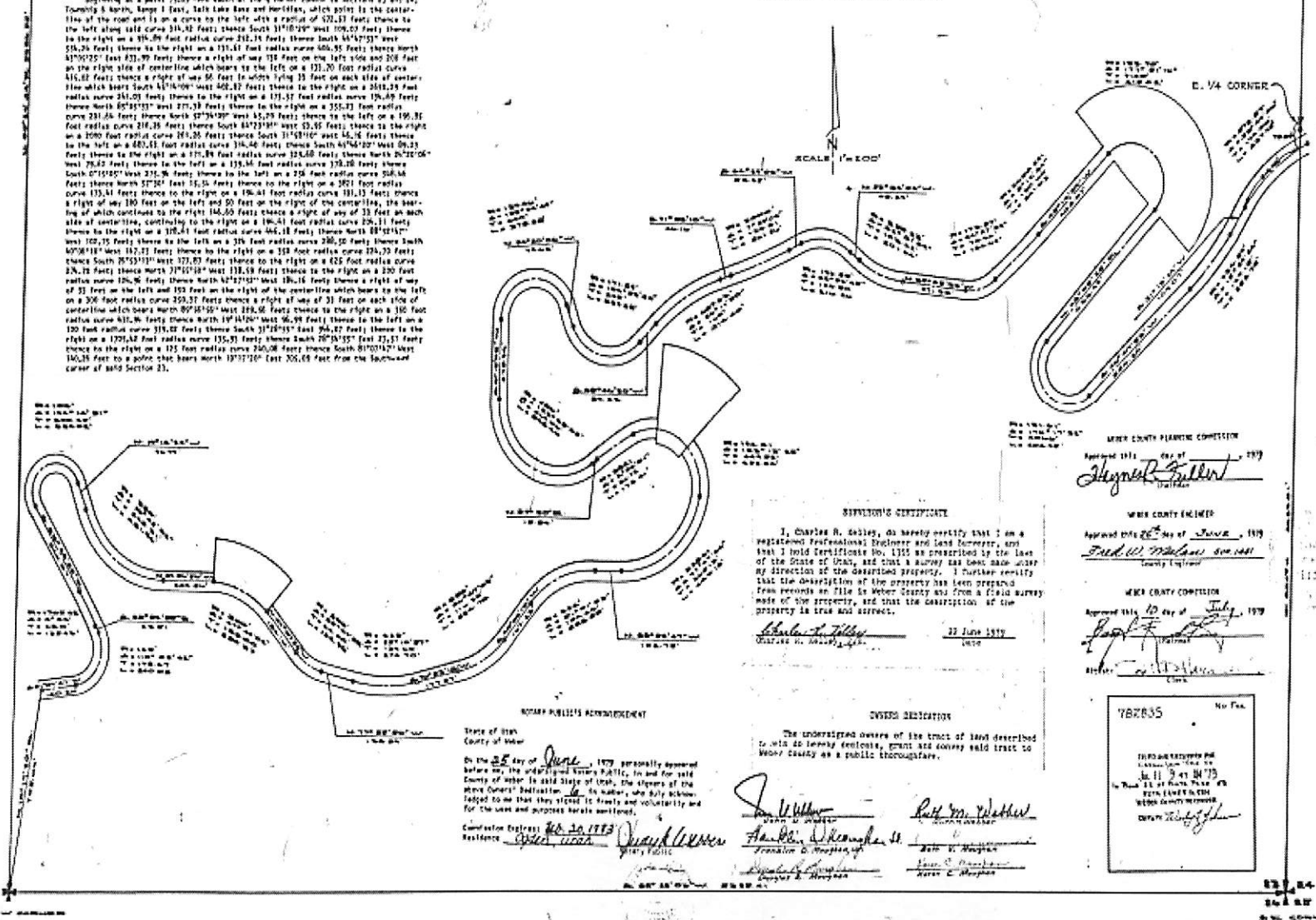
A PART OF THE SOUTH 1/2 AND A PART OF THE N.E. 1/4 OF SEC. 23, T.6N., R.1E., S.L.B&M, U.S. SURVEY.

WEBER COUNTY, UTAH

### DESCRIPTION OF COUNTY ROAD FROM AN EXISTING ROAD

A strip of land in Section 23, Township 6 North, Range 1 East, Salt Lake Base and Meridian, 66 feet in width being 33 either side of the following described centerline, except as otherwise noted:

Beginning at a point 75.89 feet south of the N corner corner to Section 23 and 34, Township 6 North, Range 1 East, Salt Lake Base and Meridian, which point is the centerline of the road and is on a curve to the left with a radius of 572.53 feet; thence to the left along said curve 314.42 feet; thence South 31°10'29" West 108.02 feet; thence to the right on a 394.09 foot radius curve 212.14 feet; thence South 45°47'53" West 218.26 feet; thence to the right on a 131.61 foot radius curve 502.95 feet; thence North 43°50'25" East 231.99 feet; thence a right of way 33 feet on the left side and 33 feet on the right side of centerline which bears to the left on a 121.20 foot radius curve 416.22 feet; thence a right of way 33 feet in width lying 33 feet on each side of centerline which bears South 45°14'08" West 302.22 feet; thence to the right on a 3581.29 foot radius curve 241.02 feet; thence to the right on a 171.57 foot radius curve 126.49 feet; thence North 65°58'13" West 271.38 feet; thence to the right on a 255.23 foot radius curve 231.26 feet; thence North 52°34'09" West 45.29 feet; thence to the left on a 196.31 foot radius curve 218.35 feet; thence South 84°23'04" West 23.55 feet; thence to the right on a 1090 foot radius curve 243.25 feet; thence South 31°58'10" West 46.16 feet; thence to the left on a 487.43 foot radius curve 314.46 feet; thence South 44°54'02" West 89.23 feet; thence to the right on a 175.88 foot radius curve 125.50 feet; thence North 50°22'06" West 78.62 feet; thence to the left on a 129.54 foot radius curve 128.10 feet; thence South 07°52'05" West 276.36 feet; thence to the left on a 238 foot radius curve 258.48 feet; thence North 57°20' East 15.25 feet; thence to the right on a 3421 foot radius curve 133.41 feet; thence to the right on a 196.43 foot radius curve 131.13 feet; thence a right of way 180 feet on the left and 50 feet on the right of the centerline, the bearing of which continues to the right 146.60 feet; thence a right of way of 33 feet on each side of centerline, continuing to the right on a 186.43 foot radius curve 28.11 feet; thence to the right on a 122.43 foot radius curve 446.12 feet; thence North 28°11'17" West 102.75 feet; thence to the left on a 316 foot radius curve 280.50 feet; thence South 40°28'11" West 112.21 feet; thence to the right on a 318 foot radius curve 224.73 feet; thence South 28°23'13" West 123.02 feet; thence to the right on a 425 foot radius curve 28.12 feet; thence North 27°55'10" West 118.58 feet; thence to the right on a 120 foot radius curve 126.36 feet; thence North 42°27'13" West 126.16 feet; thence a right of way of 33 feet on the left and 33 feet on the right of the centerline which bears to the left on a 206 foot radius curve 329.21 feet; thence a right of way of 33 feet on each side of centerline which bears North 89°10'50" West 224.56 feet; thence to the right on a 110 foot radius curve 431.36 feet; thence North 10°14'20" West 96.99 feet; thence to the left on a 100 foot radius curve 319.22 feet; thence South 37°12'13" East 264.27 feet; thence to the right on a 1276.42 foot radius curve 135.51 feet; thence South 20°28'55" East 23.57 feet; thence to the right on a 125 foot radius curve 250.08 feet; thence South 81°20'14" West 140.15 feet to a point that bears North 19°17'10" East 205.68 feet from the Southeast corner of said Section 23.



### NOTARY PUBLIC'S ACKNOWLEDGMENT

State of Utah  
County of Weber

On the 25 day of June, 1979 personally appeared before me, the undersigned Notary Public, in and for said County of Weber, in said State of Utah, the signers of the above Quoted Dedication, to-wit: the parties, who fully acknowledged to me that they signed it freely and voluntarily and for the uses and purposes herein mentioned.

Commission Expires Feb. 20, 1983  
Residence Woods, Utah

*Frank G. Thompson*  
Notary Public

### SURVEYOR'S CERTIFICATE

I, Charles R. Kelley, do hereby certify that I am a registered Professional Engineer and Land Surveyor, and that I hold Certificate No. 1315 as prescribed by the laws of the State of Utah, and that a survey has been made under my direction of the described property. I further certify that the description of the property has been prepared from records on file in Weber County and from a field survey made of the property, and that the construction of the property is true and correct.

*Charles R. Kelley*  
Surveyor

23 June 1979  
DATE

### OWNER DEDICATION

The undersigned owners of the tract of land described to-wit: as hereby dedicated, grant and convey said tract to Weber County as a public thoroughfare.

*John W. Walker*  
John W. Walker

*Paul M. Walker*  
Paul M. Walker

*Franklin G. Thompson*  
Franklin G. Thompson

*John C. Thompson*  
John C. Thompson

*Robert E. Thompson*  
Robert E. Thompson

### WEBER COUNTY PLANNING COMMISSION

Approved this 26 day of June, 1979

*Myron G. Walker*  
Chairman

### WEBER COUNTY ENGINEER

Approved this 26 day of June, 1979

*Fred W. Melson*  
County Engineer

### WEBER COUNTY COMMISSIONER

Approved this 10 day of July, 1979

*Joseph F. Walker*  
Commissioner

Attest: *William G. Walker*  
Clerk

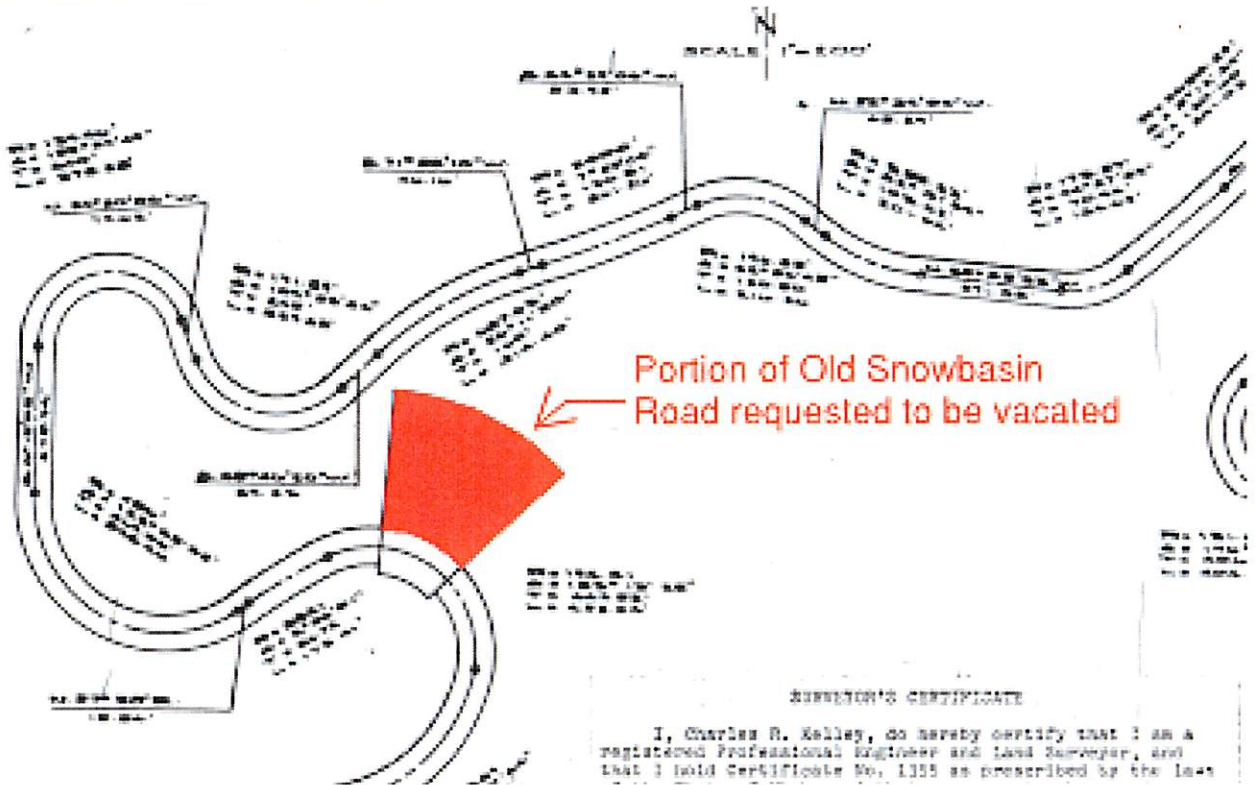
782835 No Fee

RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF WEBER, UTAH, ON THIS 23rd DAY OF JUNE, 1979.

BY: *John C. Thompson*  
County Recorder

Exhibit B-Dedication Plat

## Exhibit C-Area to be Vacated with Legal Descriptions



Vacating description for a portion of "Old Snow Basin Road" as dedicated by document recorded as Plat book 22 page 56 of the records of Weber County Recorder being more particularly described as follows: A tract of land located in the Southeast Quarter of Section 23, Township 6 North, Range 1 East, Salt Lake Base and Meridian, said tract being described as follows;

BEGINNING at point on the Northerly (Left) dedicated right of way of said "Old Snow Basin Road", said point being where the right of way width changes from a 66 foot width (33 feet on each side of the centerline) to a width described as being "a right of way 300 feet on the left and 50 feet on the right of the centerline" on said dedication plat, which point is located approximately 3131.37 feet North 58°55'08" East to the centerline of said "Old Snow Basin Road" and 66.00 feet North 00°42'22" East (radial to the arc of a curve on the centerline described in said plat record as a curve " to the right on a 194.41 foot radius curve . . . the bearing of which continues to the right 146.60 feet", FROM the monumented location of the Southwest corner of said Section 23;

RUNNING thence along said right of way and continuing radial to said curve North 00°42'22" East 234.00 feet;

Thence along the arc of a curve to the Right being concentric to said centerline curve a distance of 372.82 feet having a radius of 494.41 feet and chord bearing and distance of South 67°41'25" East 364.05 feet more or less along said right of way;

Thence continuing along said right of way being radial thereto South 43°54'46" West 267.00 feet to a point being 33 feet radial distant northeasterly from the centerline of said Old Snow Basin Road;

Thence leaving said right of way of record and along the arc of a curve to the Left 96.11 feet having a radius of 227.41 feet and a chord bearing and distance of North 58°11'44" West 95.40 feet, said curve being concentric with the centerline of said road and 33.00 feet radially distant from said centerline;

Thence North 19°41'48" East 33.00 feet radial to the centerline of said curve;

Thence along the arc of a curve to the Left 86.31 feet having a radius of 260.41 feet and a chord bearing and distance of North 79°47'56" West 85.92 feet, said curve being concentric with the centerline of said road and 66.00 feet radially distant from said centerline, to the point of beginning.

Containing 1.6069 acres, more or less.

Weber County Planning Office  
Attn: Ronda Kippen  
2380 Washington Blvd Ste 240  
Ogden, Utah 84401

November 15, 2016

Re: Dutson Petition to Vacate Road Easement  
5923 Snow Basin Road, Huntsville, Utah

Dear Planners,

We own the home and property immediately to the West of the fan shaped Weber County road easement parcel which our neighbors, the Dutson's (Roger and Anita Dutson Trust), have asked the County to vacate. We have seen their Petition to Vacate and a Map of the area involved.

We fully support their request for the county to vacate that portion of the easement as they have requested and we have no objection to their petition which we understand will still provide Weber County with a substantial road easement and sufficient public utility easements. Additionally, we have no desire to receive any of the easement area which they have petitioned the county to vacate.

We are aware there is a public hearing scheduled before the Ogden Valley Planning Board, in the Weber County Commission chambers, 2380 Washington Blvd, Ogden, Utah, at 5:00 PM, on December 6, 2016.

Thank you.

*Dan Wright 11/18/16 Julie Klump 11/18/16*

Dan and Julie Wright  
JD Investments, property owners  
6150 Snow Basin Road  
Huntsville, Utah 84317



## 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 it's accreditation. This proposal strnghtens 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.

## Exhibit A: Summary, list, and key to proposed changes

This proposed ordinance is intended 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 change addresses the following code sections:

§ 101-1-7. Definitions

§ 108-16: Ogden Valley (Outdoor) Lighting

§ 110-2: Ogden Valley Signs

Key to reading track changes:

Three periods (...) indicates that there are codes sections that have been left out of the proposed changes. These code sections will remain unchanged.

Language that has been added is shown in blue underline

~~Language that has been moved to a new location is shown in green double strikeout~~

~~Language that has been deleted is shown in red strikeout~~

Language that has been moved from an old location is shown in green double underline

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

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

4 ...

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

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

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

12 ...

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

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

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

25 ...

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

27 (1) Detailed plans depicting the layout and design for landscaping, including, but not limited to  
28 location, height and materials of walls, fences, hedges and screen plantings;

29 (2) Ground cover plantings or other surfacing to break monotony of building materials, concrete and  
30 asphalt;

31 (3) Number, type and mature and planted size of all landscape plantings; method of irrigation,  
32 location of water meter, piping, pumps, timers, point of connection and any blow-out or  
33 winterizing system; location, type and size of any existing trees over four-inch caliper;

34 (4) Location, type and size of any existing landscaping not planned for removal; location, type and  
35 size of any decorative lighting systems.

36 *Light, direct artificial.* The term "direct artificial light" means any light cast directly to an illuminated  
37 area from an artificial light source, as defined by this section, or from any surface on or within the artificial  
38 light source's luminaire that is intended to reflect, refract, or diffuse light from the artificial light source.  
39 This does not include light reflected, refracted, or diffused from other surfaces such as nonreflective  
40 surfaces on or within the luminaire, or the ground or adjacent walls, provided those surfaces are not  
41 primarily intended for the reflection, refraction, or diffusion of the artificial light source. See also Section  
42 108-16-9 for a graphic depiction.

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

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

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

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

57 *Lighting, recreation facility.* The term "recreation facility lighting" means outdoor lighting used to  
58 illuminate the recreation activity area of a stadium, sports field or court, rink, ski area, swimming pool,  
59 theater, amphitheater, arena, or any similar use intended for recreational activity. See also Section 108-  
60 16-15 for a graphic depiction.

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

65 ...

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

69 ...

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

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

78 ...

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

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

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

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

91 ...

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

DRAFT 11/29/16

95 ...

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

99 ...

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

102 ...

103 *Sign, pole.* See sign, freestanding.

104 ...

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

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

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

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

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

- 121 (a) *New outdoor lighting.* All outdoor lighting installed after January 1, 2017, shall conform to the  
122 requirements established by this chapter. This chapter does not apply to indoor lighting except as  
123 defined by "outdoor lighting" in Section 101-1-7.
- 124 (b) *Existing outdoor lighting.* All existing outdoor lighting that does not meet the requirements of this  
125 chapter and is not exempted by this chapter shall be considered a nonconforming use and as such  
126 shall be phased out as outlined in Section 108-16-7 of this chapter.
- 127 (c) *Conflict.* Should this chapter be found to be in conflict with other sections of this code, the more  
128 restrictive shall apply.

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

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

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

- 134 (2) No artificial light source shall be placed at a location, angle, or height that creates a light  
135 trespass, as defined in Section 101-1-7 and graphically depicted in Section 108-16-11.
- 136 (3) The shielding shall be made of completely opaque material such that light escapes only through  
137 the bottom. Shielding that is translucent, transparent, has perforations or slits of any kind, or  
138 allows light to escape through it in any other manner is not permitted.
- 139 (4) Shielding may be attained by light fixture design, building design, or other site design features  
140 such as fencing, walls, landscaping, or other screening, provided it is in strict compliance with  
141 (1) through (3) of this subsection.
- 142 (b) *Light color.* Unless otherwise specified in this chapter, the color of any outdoor lighting artificial light  
143 source shall be equal to or less than 3000K, in accordance with the standard Kelvin temperature  
144 chart, as graphically depicted in Section 108-16-12.

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

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

- 149 (1) *Light curfew.* Unless exempt in Section 108-16-5, and except for residential uses, all outdoor  
150 lighting shall be turned off by 10:00pm, or, if applicable, within one hour after the close of  
151 business, whichever is later, except the following:
- 152 a. Lighting to illuminate the entrance of the building;
  - 153 b. Safety lighting of parking lots and pedestrian areas;
  - 154 c. Lighting necessary for after-hours business.
- 155 (2) *Flashing or flickering light.* No flickering or flashing lights shall be permitted.
- 156 (3) *Canopy lighting.* All direct artificial light sources shall be sufficiently recessed so as not to  
157 project direct light greater than five feet from the outside perimeter of the canopy, and shall not  
158 produce more than a ratio of 8 lumens per square foot of canopy area. This ratio shall be  
159 calculated by combining the total lumen output of each artificial light source and dividing by the  
160 square footage of the canopy. See Section 108-16-13 for a graphic depiction.
- 161 (4) *Parking lot lighting.* All artificial light sources in open-air parking lots shall not exceed a ratio of  
162 two lumens per square foot of parking lot area. This ratio shall be calculated by combining the  
163 total lumen output of each artificial light source divided by the square footage of the parking lot  
164 area. See Section 108-16-14 for a graphic depiction.
- 165 (5) *Recreation facility lighting.* Recreation facility lighting, as defined in Section 101-1-7, shall  
166 comply with the following:
- 167 a. The lighting for the recreation activity area shall only be directed onto the area where  
168 the recreation activities are occurring. It shall not be allowed to illuminate surfaces that  
169 are not essential to the function of the recreation activity.
  - 170 b. The lighting shall not exceed a ratio of 10 lumens per square foot of recreation activity  
171 area. This ratio shall be calculated by combining the total lumen output of each artificial  
172 light source divided by the square footage of the recreation activity area. See Section  
173 108-16-15 for a graphic depiction.
  - 174 c. The recreation activity area shall be lit only when it is in use.
  - 175 d. The light color standard of 108-16-3 does not apply to lighting for the recreation activity  
176 area.
- 177 (6) *Sign lighting.* Sign lighting shall comply with the requirements of 110-2-12.

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

- 180 The following artificial light sources are exempt from the requirements of this chapter:
- 181 (1) *Covered deck and patio lighting.* The lighting of a covered deck or patio of a single-family or  
182 two-family dwelling, provided that the direct artificial light source shall be shielded and  
183 downward directed, and that reasonable efforts shall be made to reduce or eliminate light  
184 trespass.
- 185 (2) *Federal and state flag lighting.* The outdoor lighting of a United States or State of Utah official  
186 flag, provided it is in compliance with the following:
- 187 a. The light shall be downward directed from the top of the flag pole;
- 188 b. The light shall be as narrow a beam as possible and aimed and shielded to illuminate, to  
189 the best effort practicable, only the area which the flag occupies in all wind conditions; and
- 190 c. The light level shall be minimized to create the least amount of impact on the dark sky,  
191 while still offering noticeable illumination of the flag;
- 192 (3) *Federal and state facilities lighting.* Federal and state facilities are exempt from the  
193 requirements of this chapter. However, they are encouraged to cooperate and to coordinate  
194 with the County the construction of their facilities in compliance with this chapter;
- 195 (4) *Fossil fuel lighting.* Fossil fuel light, produced directly by the combustion of natural gas or other  
196 utility-type fossil fuels;
- 197 (5) *Historic antique lighting.* Outdoor lighting devices designed to preserve the historic nature of a  
198 site, based on historically accurate recreations of antique light devices, provided the light output  
199 of each artificial light source is equal to or less than nine hundred lumens;
- 200 (6) *Holiday or festive lighting.* Holiday or festive outdoor lighting for residential uses, provided it is in  
201 compliance with the following:
- 202 a. That the lighting shall not create a hazard or glare nuisance; and
- 203 b. That the lighting shall be temporary in nature and not permanently installed. It shall be  
204 removed within a reasonable time after the end of the holiday or festive event, but at least  
205 once per year;
- 206 (7) *Low output light source.* An artificial light source having an output equal to or less than one  
207 hundred five lumens, provided that the cumulative lumen output of all low output light sources  
208 shall not exceed a ratio of one and a half lumens per square foot of cumulative illuminated area.  
209 This ratio shall be calculated by combining the total lumen output of each low output light source  
210 divided by the square footage of the area intended to be illuminated;
- 211 (8) *Mobile lighting.* Lighting affixed to a vehicle, provided the lighting is not intended for the  
212 stationary illumination of an area;
- 213 (9) *Motion sensor controlled light source.* An artificial light source that has a light output equal to or  
214 less than nine hundred lumens and is controlled by a motion sensor, provided it is in compliance  
215 with the following:
- 216 a. That the motion sensor is set to turn the artificial light source off 10 minutes after the last  
217 detection of motion; and
- 218 b. That the artificial light source is sufficiently shielded in a manner that prevents glare on  
219 adjacent properties or roadways;
- 220 (10) *Outdoor lighting projected from indoors.* An artificial light source that is projected from indoors to  
221 outdoors through windows, doors, or similar openings, for:
- 222 a. Residential and agricultural uses; and
- 223 b. All other uses, provided that this exemption only applies to direct artificial light when it  
224 passes through a cumulative area of those windows, doors, or similar openings that is

225 equal to or less than 50 percent of the face of the building, excluding roof area, on which  
226 those windows, doors, or similar openings are located;

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

232 a. Submitted proof of lighting requirements from a property insurance company that  
233 demonstrates that compliance with this chapter will render the property uninsurable. The  
234 minimum amount of lighting required by the property insurance company shall be  
235 considered the maximum for the purposes of this chapter; or

236 b. Submitted reasonable research findings, from a qualified professional, as defined by  
237 Section 101-1-7, that offer a compelling argument for the need for the exemption.  
238 However, if the Land Use Authority is aware of other research findings that refute what is  
239 submitted, then the Land Use Authority must determine which research findings are more  
240 persuasive under the circumstances. If the Land Use Authority grants the exemption, then  
241 the minimum amount of lighting necessary to ensure appropriate safety or security, as  
242 recommended by the qualified professional, shall be considered the maximum for the  
243 purposes of this chapter;

244 (12) *Special event lighting.* Outdoor lighting intended for a special event, such as a wedding, party,  
245 social gathering, or other similar event that occurs on an occasional basis, provided it is in  
246 compliance with the following:

247 a. All special event lighting shall be turned off by 10:00pm; and

248 b. Special events shall not occur more than twice per month;

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

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

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

256 (16) *Traffic control devices.* Traffic control devices and signals.

257

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

259 (a) *Applications.* Any application for a permit or approval required by this Land Use Code shall contain  
260 evidence that the proposed work complies with this chapter.

261 (b) *Contents of application or submittal.*

262 (1) In addition to the specific application requirements elsewhere in this Land Use Code, the  
263 application submittal shall contain the following:

264 a. Plans indicating the location of all artificial light sources on the premises, including their  
265 height above the ground.

266 b. Description of each artificial light source device, and supporting structure. This description  
267 may include, but is not limited to, device specifications from the manufacturer, drawings,  
268 details, and cross sections, when available.

269 (2) The required plans and descriptions set forth in subsection (b)(1) of this section shall be  
270 complete and shall be presented in a manner that clearly demonstrates compliance with this



271 chapter. The Land Use Authority may require the applicant to submit photometric schematics  
272 and attestation from a qualified professional that the submittal complies with this chapter.

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

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

277 (1) *Lighting conversion.* Any nonconforming outdoor artificial light source shall be terminated,  
278 replaced, or retrofitted to conform to the requirements of this chapter within seven years after  
279 the effect of this chapter;

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

282 (3) *Building exterior modification.* When the replacement of a building's exterior materials exceeds  
283 25 percent of the building's exterior area, excluding roof area, whether by a single modification  
284 project or by an accumulation of separate modification projects, all nonconforming outdoor  
285 lighting on or within 25 feet of the building shall be brought into compliance with the  
286 requirements of this chapter. This shall not include repainting or re-roofing,

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

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

293 b. 2,500 square feet; and

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

300 a. 25 percent of the site area; or

301 b. 20,000 square feet.

302 **Sec. 108-16-8. – Violations and enforcement.**

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

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

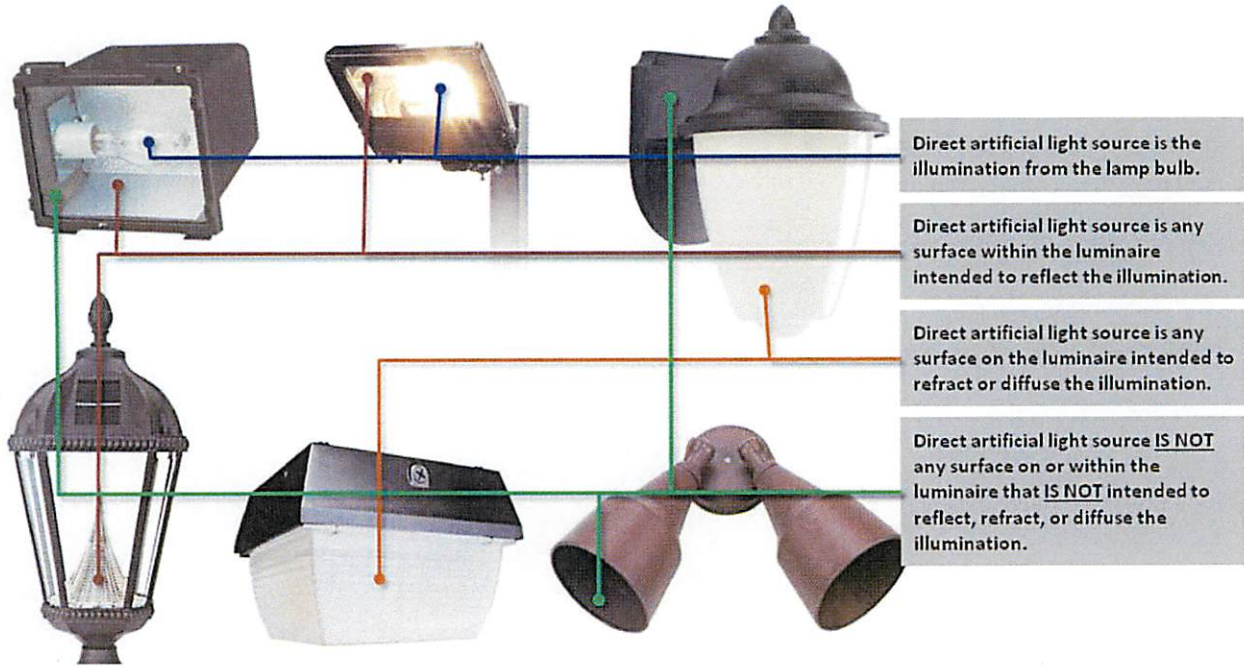
306 (2) The alteration of any outdoor artificial light source after a certificate of occupancy has been  
307 issued without the review and approval of the Land Use Authority when such alteration does not  
308 conform to the provisions of this chapter.

309 (3) Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered as  
310 required by this chapter.

311 (b) *Enforcement.* Violations of this chapter are subject to enforcement and penalties as outlined in this  
312 Land Use Code. Additionally, the final approval of current or future plans, the issuance of a certificate  
313 of occupancy, or the acceptance of new applications authorized by this Land Use Code may be  
314 withheld until compliance with this chapter is demonstrated.

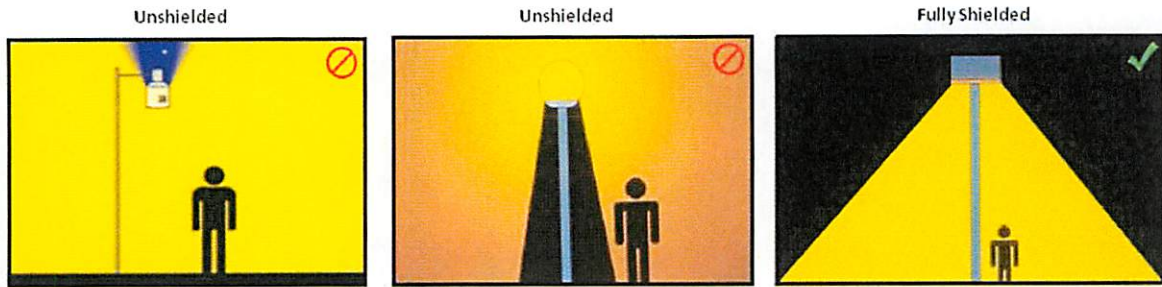
315 **Sec. 108-16-9. – Examples of direct artificial light.**

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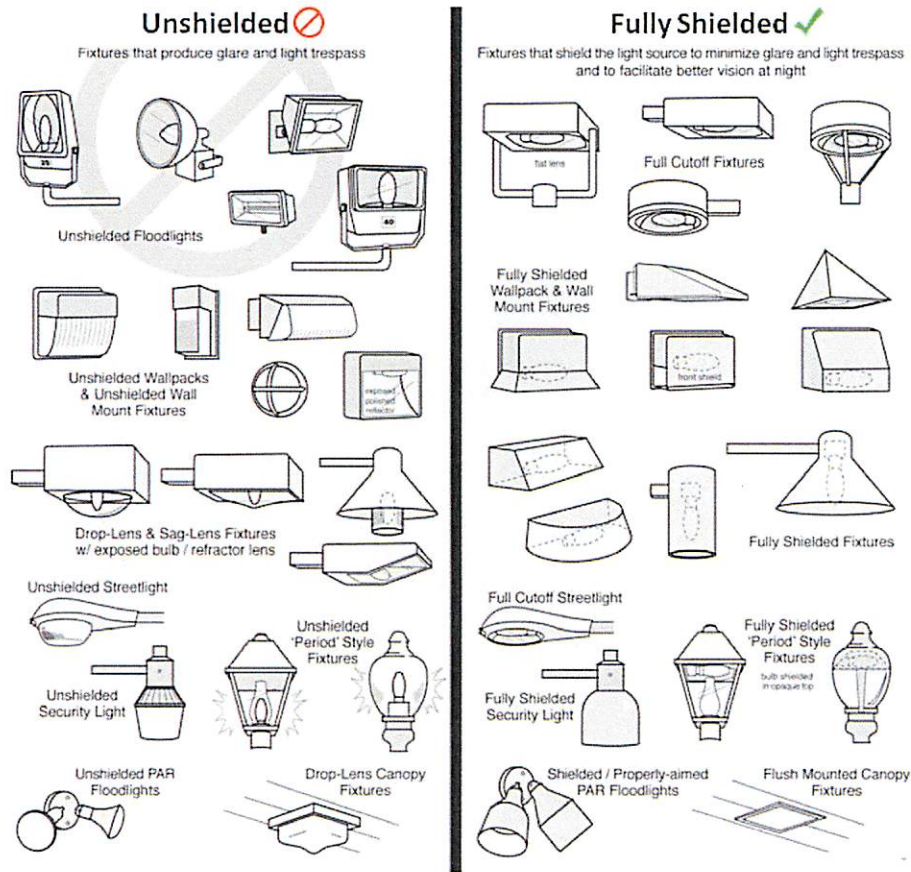


316

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

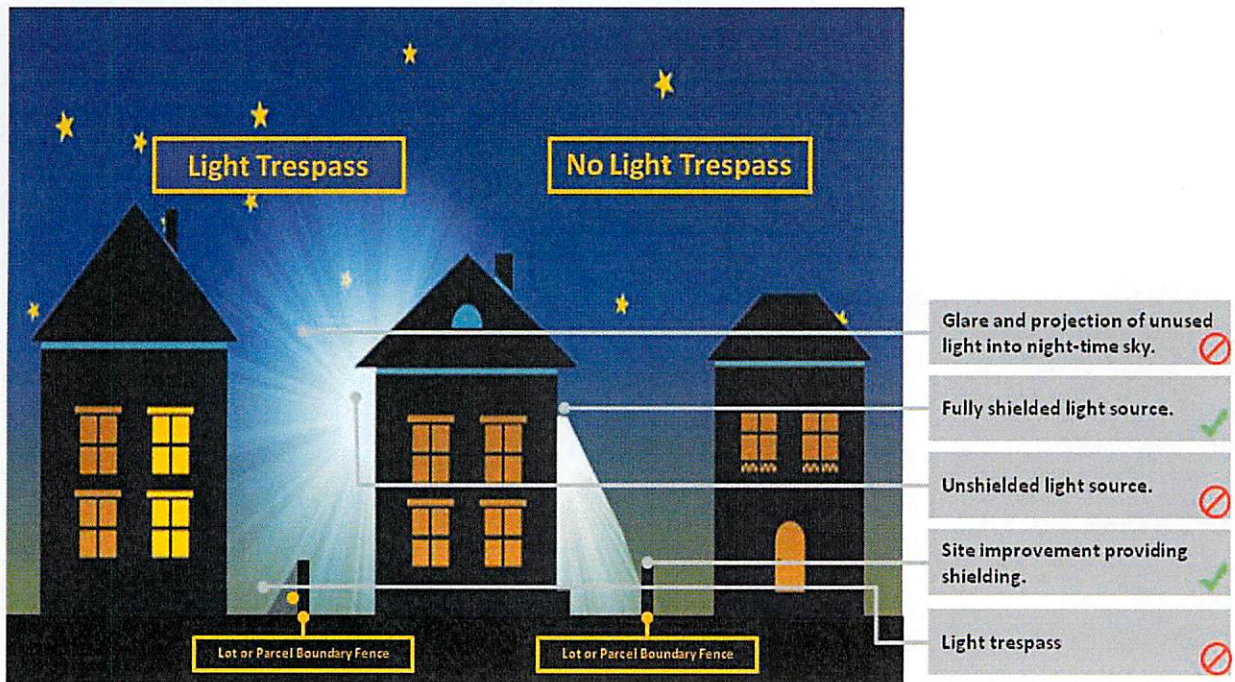


318



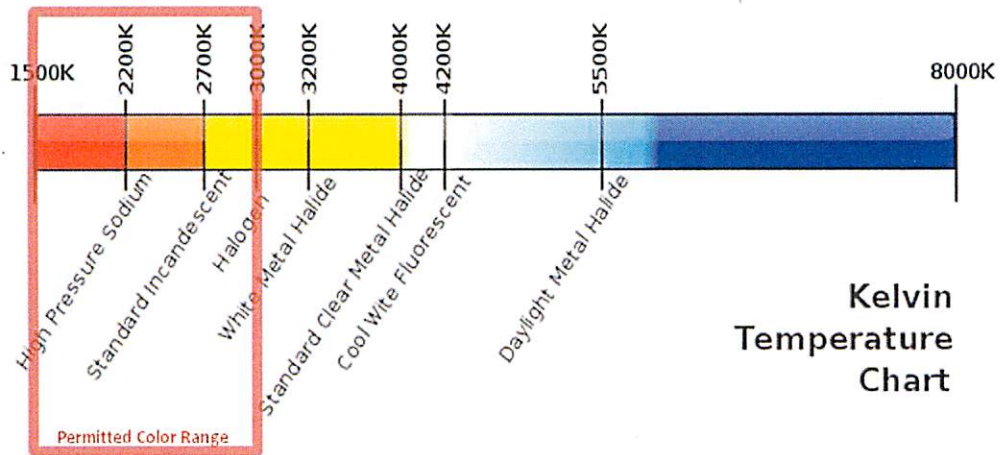
319

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



321

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



323  
324 Sec. 108-16-13. – Example of canopy lighting.

**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. ✓

325  
326 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. ✓

327  
328 Sec. 108-16-15. – Example of recreation facility lighting.



329

330

331 ...

332 CHAPTER 2. - OGDEN VALLEY SIGNS

333 ...

334 Sec. 110-2-2. - Applicability.

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

343 ...

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

345 A sign may be reinstated which duplicates the original nonconforming sign in dimensions and  
 346 location. Any changes in size or location shall require conformance to this chapter and Chapter 108-16 of  
 347 this Land Use Code.

348 ...

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

350 ...

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

| Sign Type                                    | General Standards in all Zones                             |                                 |  | Specific Standards for the Agricultural, Forest and Residential Zones |   |   | Specific Standards for the Commercial, Manufacturing and Resort Zones |   |   |
|--|--|---------------------------------|--|---|---|---|---|---|---|
|  | 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  |

| <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 onsite 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   |

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

356 ...

357 (b) *Display standards.* The display of all signs regulated by this Land Use Code shall conform to the  
358 standards of this section.359 (1) *No obstruction permitted.* No sign shall obstruct a clear view to and from traffic along any street  
360 right-of-way, entrance or exit.361 (2) *No projection within right-of-way.* No signs, except traffic signs and similar regulatory notices  
362 shall be allowed to project or be located within a public right-of-way.363 (3) *Illumination.* An illuminated sign, as defined in Section 101-1-7, shall comply with the  
364 requirements of Chapter 108-16 and the following provisions, examples of which are graphically  
365 depicted in Section 110-2-15.366 a. Unless otherwise specified in this subsection, all exterior lighting of a sign shall be  
367 downward directed from the top of the sign, and oriented so as to illuminate only the sign  
368 area, as defined in Section 101-1-7, excluding the supports.369 b. No direct artificial light, as defined in Section 101-1-7, shall be projected from the sign area  
370 or beyond the sign area, including by means of diffusion or refraction through a translucent  
371 or transparent surface. However, direct artificial light, excluding diffused or refracted light,  
372 for a sign area that does not have a frame or separate background, as in the case of a logo  
373 or individual lettering mounted to a wall without a defined sign perimeter, may illuminate or  
374 reflect onto a background surface, such as a wall, beyond the exterior perimeter of the sign  
375 area, provided that:

376 1. It shall not exceed six inches beyond the sign area,

377 2. It shall be shielded so as not to project light onto any other surface.

378 d. Exterior lighting of a sign shall not exceed a ratio of 50 lumens per square foot of sign area.  
379 This ratio shall be calculated by combining the total lumen output of each artificial light  
380 source divided by the square footage of the sign area. See Section 110-2-15 for a graphic  
381 depiction.382 e. The Land Use Authority may require the applicant to submit photometric schematics and  
383 attestation from a qualified professional that the submittal complies with this chapter.384 (4) *Wall signs mounted on parapets.* A wall sign mounted on a parapet wall shall be mounted six  
385 inches or more below the top of the parapet wall.386 (5) *No imitation of traffic signs.* Signs shall not resemble, imitate or approximate the shape, size,  
387 form or color of traffic signs, signals or devices. Signs shall not obstruct or interfere with the  
388 effectiveness of traffic signs, signals or devices, not be lighted in a way that can cause glare or  
389 impair driver visibility upon roads.390 (6) *No prevention of ingress/egress.* Signs shall not be erected, relocated or maintained in such a  
391 way that prevents free ingress or egress from any door, window or fire escape, and no sign  
392 shall be attached to a standpipe or fire escape.393 (7) *No mounting on natural features.* No signs shall be painted or mounted on trees. No land-form  
394 or naturally occurring land feature (rocks, cliff faces, etc.) shall be defaced for purposes of  
395 displaying a sign.396 (8) *Clearance.* The clearance of a projecting, canopy or wall sign shall be measured from the  
397 lowest edge of the overhang eight feet to the driving or walking surface below.398 (9) *Sign setbacks.*



- 399 a. *Monument and/or ground signs.* Any monument sign or ground sign shall be set back a  
400 minimum of ten feet from any property line. Signs fronting on state highways shall be set  
401 back ten feet from the right-of-way.
- 402 b. *Projections into public right-of-way.* Projections into the public right-of-way are not allowed,  
403 except for signs set by public agencies for safety purposes, such as the state department  
404 of transportation.
- 405 c. *Clear view triangle.* Signs shall not be placed within the clear view triangle as defined in  
406 title 108, chapter 7 of the Weber County Land Use Code.
- 407 (10) *Landscaping.* The ground area around the base of all ground/monument signs shall be  
408 landscaped in accordance with the requirements of applicable chapters of the Weber County  
409 Land Use Code. The planning commission may exempt some monument/ground signs from this  
410 standard where it is demonstrated, by the owner/developer, that the landscaping would unduly  
411 interfere with pedestrian or vehicular traffic, interfere with traffic visibility or for other reasons be  
412 impractical.
- 413 (11) *No street frontage.* When a freestanding building, complex or storefront does not face a public  
414 street or approved private road, and is accessed via a pedestrian area or common parking and  
415 driveway area, the linear footage of building or storefront facing the pedestrian area or common  
416 parking area shall substitute for purposes of determining allowable signage.
- 417 (12) *Sign area.* The area of a sign shall be measured as provided in the definition of "sign area" as  
418 provided in Section 101-1-7.
- 419 ...
- 420 **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.

421



- Lumen per Square Foot Ratio**
- |                             |   |  |
|-----------------------------|---|--|
| 1650 Lumen Bulb             | = | 50 Lumens per Square Foot of Sign Area |
| 33 Square Feet 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.

422

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

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

4 ...

5  
6 *Custom exempt meat cutting.* The term "custom exempt meat cutting" means the cutting, wrapping,  
7 and preparation of meat for human consumption; provided, however, that the source of meat shall be  
8 limited to animals that are part of one or more livestock operation(s) in Weber County, and/or wild game.

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

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

13 ...

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

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

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

26 ...

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

28 (1) Detailed plans depicting the layout and design for landscaping, including, but not limited to  
29 location, height and materials of walls, fences, hedges and screen plantings;

30 (2) Ground cover plantings or other surfacing to break monotony of building materials, concrete and  
31 asphalt;

32 (3) Number, type and mature and planted size of all landscape plantings; method of irrigation,  
33 location of water meter, piping, pumps, timers, point of connection and any blow-out or  
34 winterizing system; location, type and size of any existing trees over four-inch caliper;

35 (4) Location, type and size of any existing landscaping not planned for removal; location, type and  
36 size of any decorative lighting systems.

37 *Light, direct artificial.* The term "direct artificial light" means any light cast directly to an illuminated  
38 area from an artificial light source, as defined by this section, or from any surface on or within the artificial  
39 light source's luminaire that is intended to reflect, refract, or diffuse light from the artificial light source.  
40 This does not include light reflected, refracted, or diffused from other surfaces such as nonreflective  
41 surfaces on or within the luminaire, or the ground or adjacent walls, provided those surfaces are not  
42 primarily intended for the reflection, refraction, or diffusion of the artificial light source. See also Section  
43 108-16-9 for a graphic depiction.

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

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

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

Comment [c2]: Check reference

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

Comment [c3]: Check reference

Comment [c4]: Check reference

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

Comment [c5]: See standards/exemptions in 108-16-5

58 Lighting, recreation facility. The term "recreation facility lighting" means outdoor lighting used to  
59 illuminate the recreation activity area of a stadium, sports field or court, rink, ski area, swimming pool,  
60 theater, amphitheater, arena, or any similar use intended for recreational activity. See also Section 108-  
61 16-15 for a graphic depiction.

Comment [c6]: Check reference

Comment [c7]: Check reference

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

66 ...

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

70 ...

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

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

79 ...

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

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

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

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

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

98 ...

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

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

104 ...

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

108 ...

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

111 ...

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

114 ...

115 CHAPTER 16. - OGDEN VALLEY OUTDOOR LIGHTING

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

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

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

Comment [c8]: New definition in 101-1-7.

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

135 Sec. 108-16-2. - Applicability.

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136 (a) New outdoor lighting. All outdoor lighting installed after January 1, 2017, shall conform to the  
137 requirements established by this chapter. This chapter does not apply to indoor lighting except as  
138 defined by "outdoor lighting" in Section 101-1-7.

139 (b) Existing outdoor lighting. All existing outdoor lighting that does not meet the requirements of this  
140 chapter and is not exempted by this chapter shall be considered a nonconforming use and as such  
141 shall be phased out as outlined in Section 108-16-7 of this chapter.

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

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

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

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

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

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

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

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

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

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

163 (1) ~~Building and structures;~~

164 (2) ~~Recreation areas;~~

165 (3) ~~Parking lot lighting;~~

166 (4) ~~Landscape lighting;~~

167 (5) ~~American Flag;~~

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

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

170 (8) ~~Festive lighting:~~

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

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

Comment [c9]: Check reference.

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~~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.

Comment [c10]: Check reference

(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.

Comment [c11]: Check reference

**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;
  - 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 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.

Comment [c12]: Measurable

Comment [c13]: Measurable.  
The rough equivalent of "rural light" from the IDA model code.

Comment [c14]: Check reference

Comment [c15]: Check reference

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221 b. The lighting shall not exceed a ratio of 10 lumens per square foot of recreation activity  
 222 area. This ratio shall be calculated by combining the total lumen output of each artificial  
 223 light source divided by the square footage of the recreation activity area. See Section  
 224 108-16-15 for a graphic depiction.

**Comment [c16]:** This is typical of non-professional/non-semi-professional courts/fields/etc.

225 c. The recreation activity area shall be lit only when it is in use.

**Comment [c17]:** Discussed standard with ski areas. It is more than enough for their purposes.

226 d. The light color standard of 108-16-3 does not apply to lighting for the recreation activity  
 227 area.

**Comment [c18]:** Check reference

228 (6) Sign lighting. Sign lighting shall comply with the requirements of 110-2-12.

230 ~~(a) Shielding. All exterior illumination devices, except those exempt from this chapter, and those~~  
 231 ~~regulated by subsection (e) of this section, shall be fully or partially shielded as required in~~  
 232 ~~subsection (e) of this section.~~

233 ~~(1) The term "fully shielded" shall mean that those fixtures shall be shielded in such a manner that~~  
 234 ~~light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are~~  
 235 ~~projected below a horizontal plane running through the lowest point on the fixture where light is~~  
 236 ~~emitted.~~

237 ~~(2) The term "partially shielded" shall mean that those fixtures shall be shielded in such a manner~~  
 238 ~~that the bottom edge of the shield is below the plane centerline of the light source (lamp),~~  
 239 ~~minimizing light above the horizontal.~~

240 ~~(b) Filtration.~~

241 ~~(1) Those outdoor light fixtures requiring a filter in subsection (c) of this section shall be equipped~~  
 242 ~~with a filter whose transmission is less than five percent total emergent flux at wavelengths less~~  
 243 ~~than 3,900 angstroms. Total emergent flux is defined as that between 3,000 and 7,000~~  
 244 ~~angstrom units.~~

245 ~~(2) It is recommended that existing mercury vapor fixtures shall be equipped with a filter whose~~  
 246 ~~transmission is less than ten percent total emergent flux at wavelengths less than 4,400~~  
 247 ~~angstroms.~~

248 ~~(3) Low pressure sodium lamps are the preferred lamp for minimizing adverse effects on~~  
 249 ~~astronomical observations.~~

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

| Requirements for Shielding and Filtering |           |              |
|--|-----------|--------------|
| Fixture Lamp Type                        | Shielded  | Filtered (4) |
| Low-pressure sodium (1)                  | Partially | None         |
| High-pressure sodium                     | Fully     | None         |
| Metal halide (6)                         | Fully     | Yes          |
| Fluorescent                              | Fully     | Yes (2)      |



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|   |  |         |
|---|--|---------|
| Quartz (3)                              | Fully                                  | None    |
| Incandescent greater than 100 W         | Fully                                  | None    |
| Incandescent less than 100 W            | None                                   | None    |
| Mercury vapor                           | Fully (7)                              | Yes (7) |
| Gas-filled tubes (neon, argon, krypton) | None                                   | None    |
| Natural gas/fossil fuels                | None                                   | None    |
| Other source                            | As approved by the planning commission |         |

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253

~~Footnotes—~~

254

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

255

256

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

257

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

258

259

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

260

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

261

262

~~(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.~~

263

264

~~(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.~~

265

266

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

267

~~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.~~

268

269

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

270

~~The following uses are prohibited by this chapter:~~

271

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

272

~~(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.~~

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

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

281 **Sec. 108-16-58. - Permanent Exemptions.**

282 The following artificial light sources are exemptions ~~exempt from~~ apply to the ~~the~~ provisions  
283 ~~in~~ requirements of this chapter:

284 (1) Covered deck and patio lighting. The lighting of a covered deck or patio of a single-family or  
285 two-family dwelling, provided that the direct artificial light source shall be shielded and  
286 downward directed, and that reasonable efforts shall be made to reduce or eliminate light  
287 trespass.

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

Comment [c19]: See 4 U.S.C. § 6 regarding federal flag lighting regulations.

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

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

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

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

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

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

304 (5) Historic antique lighting. Outdoor lighting devices designed to preserve the historic nature of a  
305 site, based on historically accurate recreations of antique light devices, provided the light output  
306 of each artificial light source is equal to or less than nine hundred lumens;

Comment [c20]: Measurable

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

Comment [c21]: 60 watt incandescent or 15 w fluorescent.

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

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

Comment [c22]: Measurable

Comment [c23]: Measurable

313 (7) Low output light source. An artificial light source having an output equal to or less than one  
314 hundred five lumens, provided that the cumulative lumen output of all low output light sources  
315 shall not exceed a ratio of one and a half lumens per square foot of cumulative illuminated area.  
316 This ratio shall be calculated by combining the total lumen output of each low output light source  
317 divided by the square footage of the area intended to be illuminated;

Comment [c24]: 7 watts incandescent bulbs

This will allow some flexibility for pathway lights and string lighting.

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

Comment [c25]: Measurable

Comment [c26]: Measurable

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

Comment [c27]: 60 watt incandescent

Comment [c28]: Measurable

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

Comment [c29]: Measurable

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

327 (10) Outdoor lighting projected from indoors. An artificial light source that is projected from indoors to  
328 outdoors through windows, doors, or similar openings, for:

329 a. Residential and agricultural uses; and

330 b. All other uses, provided that this exemption only applies to direct artificial light when it  
331 passes through a cumulative area of those windows, doors, or similar openings that is  
332 equal to or less than 50 percent of the face of the building, excluding roof area, on which  
333 those windows, doors, or similar openings are located;

Comment [c30]: Measurable

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

339 a. Submitted proof of lighting requirements from a property insurance company that  
340 demonstrates that compliance with this chapter will render the property uninsurable. The  
341 minimum amount of lighting required by the property insurance company shall be  
342 considered the maximum for the purposes of this chapter; or

Comment [c31]: Discussed standard with several local insurance agents for various insurance companies. They applaud the idea.

343 b. Submitted reasonable research findings, from a qualified professional, as defined by  
344 Section 101-1-7, that offer a compelling argument for the need for the exemption.  
345 However, if the Land Use Authority is aware of other research findings that refute what is  
346 submitted, then the Land Use Authority must determine which research findings are more  
347 persuasive under the circumstances. If the Land Use Authority grants the exemption, then  
348 the minimum amount of lighting necessary to ensure appropriate safety or security, as  
349 recommended by the qualified professional, shall be considered the maximum for the  
350 purposes of this chapter;

Comment [c32]: Modified from model

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

354 a. All special event lighting shall be turned off by 10:00pm; and

Comment [c33]: Measurable

355 b. Special events shall not occur more than twice per month;

Comment [c34]: Measurable

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

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

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

363 (16) Traffic control devices. Traffic control devices and signals.

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

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

370 **Sec. 108-16-69. - Procedures for compliance.**

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

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

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

380 (b) Contents of application or submittal.

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

385 a. Plans indicating the location on the premises, and the type of illuminating devices, fixtures,  
386 lamps, supports, other devices, etc., of all artificial light sources on the premises, including  
387 their height above the ground.

388 b. Description of the each artificial light source, illuminating devices, fixtures, lamps, device,  
389 and supporting structures and other devices, etc.,. ~~This description may include, but is not~~  
390 ~~limited to, device specifications from the manufacturer, drawings, details, and cross~~  
391 ~~sections, when available, s catalog cuts, and drawings (including sections where~~  
392 ~~applicable).~~

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

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

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

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

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

417 (1) Lighting conversion. Any nonconforming outdoor artificial light source shall be terminated,  
418 replaced, or retrofitted to conform to the requirements of this chapter within seven years after  
419 the effect of this chapter;

Comment [c35]: Measurable

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

422 (3) Building exterior modification. When the replacement of a building's exterior materials exceeds  
423 25 percent of the building's exterior area, excluding roof area, whether by a single modification  
424 project or by an accumulation of separate modification projects, all nonconforming outdoor  
425 lighting on or within 25 feet of the building shall be brought into compliance with the  
426 requirements of this chapter. This shall not include repainting or re-roofing.

Comment [c36]: Measurable

Comment [c37]: Measurable

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

Comment [c38]: Measurable

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

Comment [c39]: Measurable

433 b. 2,500 square feet; and

Comment [c40]: Measurable

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

440 a. 25 percent of the site area; or

Comment [c41]: Measurable

441 b. 20,000 square feet.

Comment [c42]: Measurable

442 **Sec. 108-16-8. – Violations and enforcement.**

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

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

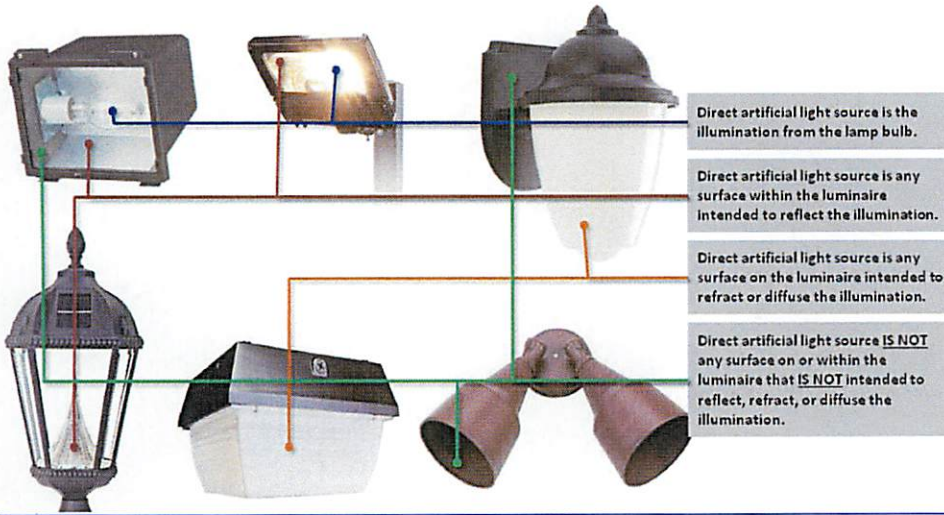
446 (2) The alteration of any outdoor artificial light source after a certificate of occupancy has been  
447 issued without the review and approval of the Land Use Authority when such alteration does not  
448 conform to the provisions of this chapter.

449 (3) Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered as  
450 required by this chapter.

451 (b) Enforcement. Violations of this chapter are subject to enforcement and penalties as outlined in this  
452 Land Use Code. Additionally, the final approval of current or future plans, the issuance of a certificate  
453 of occupancy, or the acceptance of new applications authorized by this Land Use Code may be  
454 withheld until compliance with this chapter is demonstrated.

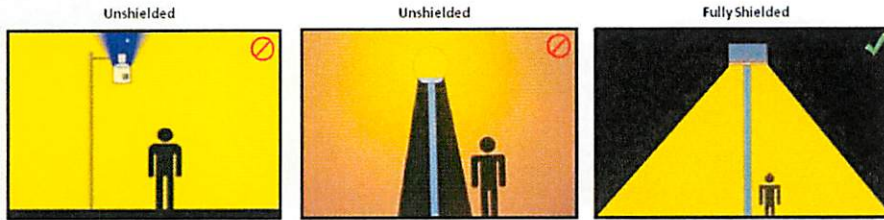
455 **Sec. 108-16-9. – Examples of direct artificial light.**

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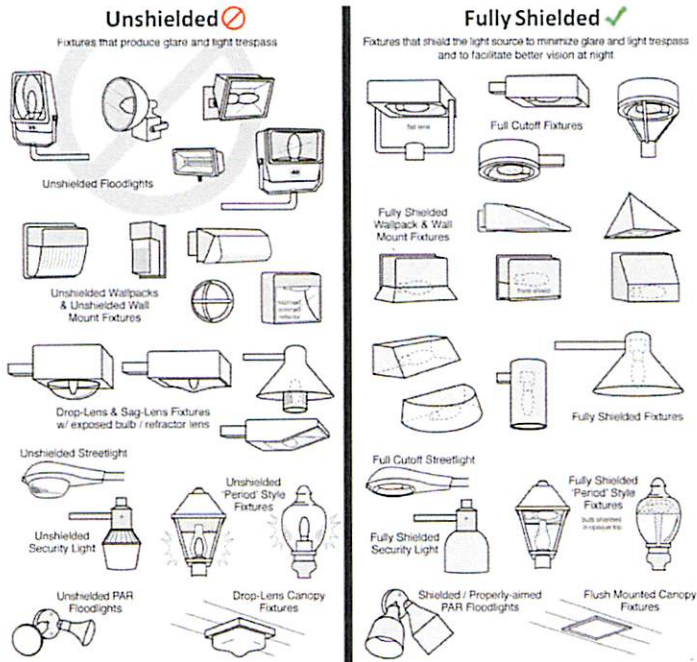
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457 Sec. 108-16-10. – Examples of unshielded and shielded light sources.



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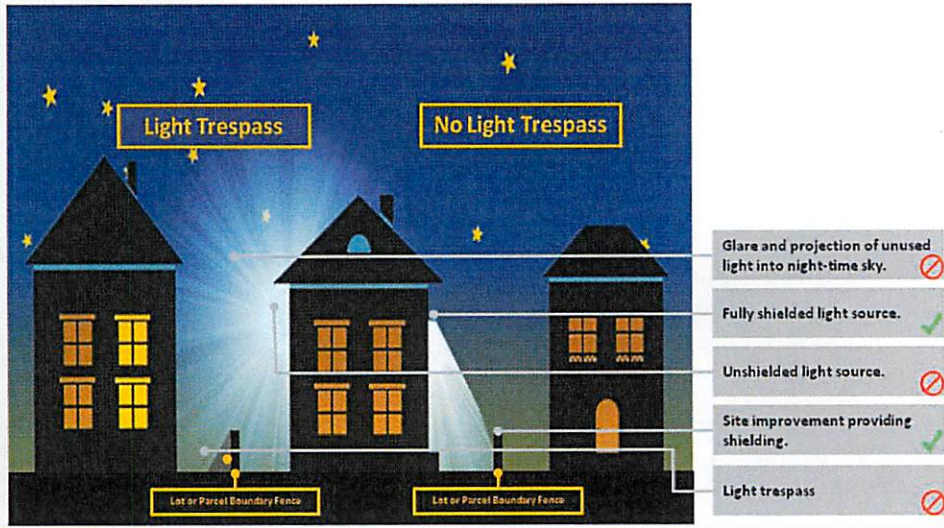


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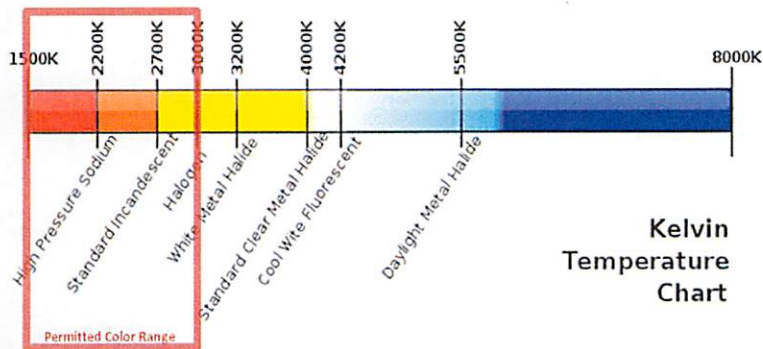
461 Sec. 108-16-11. – Example of light trespass.

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462

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



464

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




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| 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. ✓ |  |

466

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



| Lumen per Square Foot Ratio   |   |
|---|---|
| (60) 3000 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. ✓                              |   |

468

469 **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. ✓ |   |

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471 ~~16-10. Temporary exceptions.~~

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

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

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

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

488 ...

489 CHAPTER 2. - OGDEN VALLEY SIGNS

490 ...

491 Sec. 110-2-2. - Applicability.

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

500 ...

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

502 A sign may be reinstalled which duplicates the original nonconforming sign in dimensions and  
503 location. Any changes in size or location shall require conformance to this chapter and ~~the current lighting~~  
504 ~~ordinance~~ [Chapter 108-16 of this Land Use Code.](#)

505 ...

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

507 ...

508 (3) *Additional standards.* [The following table applies to temporary sign usage:](#)

**Comment [c43]:** There are not sufficient objective standards in this section. Under what circumstances would we deny an exception? How do we keep from being arbitrary and capricious.

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| Sign Type                                 | General Standards in all Zones                             |                                 |  | Specific Standards for the Agricultural, Forest and Residential Zones |   |   | Specific Standards for the Commercial, Manufacturing and Resort Zones |   |   |
|---|--|---------------------------------|--|---|---|---|---|---|---|
|   | 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   |
| <u>Occasional Signs:</u>                  | -  | -                               | -  | -   | -   | -                                       | -   | -   | -   |
| <u>Campaign signs</u>                     | 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  |
| <u>Construction signs</u>                 | 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   |
| <u>Property/real estate sign</u>          | 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   |
| <u>Short-term vendors § 108-13-3</u>      | 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 |
| <u>Temporary outdoor sales § 108-13-4</u> | 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   |
| <u>Temporary real estate sales office</u> | Duration of construction                                   | Completion of construction      | Y/LUP  | 32 square feet  | 6 feet  | 1 per street frontage                   | Not Applicable  | Not Applicable  | Not Applicable  |

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|  |                                       |                            |       |  |         |  |  |                |  |
|--|---------------------------------------|----------------------------|-------|--|---------|--|--|----------------|--|
| 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                                       |
| <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 onsite 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          | 32 square feet   | 10 feet        | 2 offsite per event either a ground sign or          |

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|  |  |  |  |  |  |               |  |  |               |
|--|--|--|--|--|--|---------------|--|--|---------------|
|  |  |  |  |  |  | <u>banner</u> |  |  | <u>banner</u> |
|--|--|--|--|--|--|---------------|--|--|---------------|

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509 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  |
| Political sign                               | No limit   | No limit                        | N  |

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| Event Signs  |                            |              |       |
|--|----------------------------|--------------|-------|
| 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 |

510

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511

**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 |
|--|----------------------------|---|---|
| Occasion Signs   |                            |   |   |
| Campaign sign  | 32 square feet             | 6 feet  | No limit                                |
| Construction sign  | 32 square feet             | 6 feet  | 1 per street frontage                   |
| Property/real estate sign  | 8 square feet              | 6 feet  | 1 per street frontage                   |

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

512 -  
 513 **Table 3**



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| 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   |
| <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 feet                    | N/A   | 1 per street frontage   |
| Public event directional sign  | 8 square feet              | 4 feet  | No limit off premises   |

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|   |                       |         |   |
|---|-----------------------|---------|---|
|   |                       |         | 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    |

514 Sec. 110-2-12. - Sign materials and display standards.

515 ...

516 (b) *Display standards.* The display of all signs regulated by this Land Use Code shall conform to the  
517 standards of this section.

518 (1) *No obstruction permitted.* No sign shall obstruct a clear view to and from traffic along any street  
519 right-of-way, entrance or exit.

520 (2) *No projection within right-of-way.* No signs, except traffic signs and similar regulatory notices  
521 shall be allowed to project or be located within a public right-of-way.

522 (3) *Illumination.* An illuminated sign, as defined in Section 101-1-7, shall comply with the  
523 requirements of Chapter 108-16 and the following provisions, examples of which are graphically  
524 depicted in Section 110-2-15.

Comment [c44]: Check reference

525 a. Unless otherwise specified in this subsection, all exterior lighting of a sign shall be  
526 downward directed from the top of the sign, and oriented so as to illuminate only the sign  
527 area, as defined in Section 101-1-7, excluding the supports.

528 b. No direct artificial light, as defined in Section 101-1-7, shall be projected from the sign area  
529 or beyond the sign area, including by means of diffusion or refraction through a translucent  
530 or transparent surface. However, direct artificial light, excluding diffused or refracted light,  
531 for a sign area that does not have a frame or separate background, as in the case of a logo  
532 or individual lettering mounted to a wall without a defined sign perimeter, may illuminate or  
533 reflect onto a background surface, such as a wall, beyond the exterior perimeter of the sign  
534 area, provided that:

535 1. It shall not exceed six inches beyond the sign area.

Comment [c45]: Measurable

536 2. It shall be shielded so as not to project light onto any other surface.

537 d. Exterior lighting of a sign shall not exceed a ratio of 50 lumens per square foot of sign area.  
538 This ratio shall be calculated by combining the total lumen output of each artificial light  
539 source divided by the square footage of the sign area. See Section 110-2-15 for a graphic  
540 depiction.

Comment [c46]: Measurable.

Comment [c47]: Check reference

541 e. The Land Use Authority may require the applicant to submit photometric schematics and  
542 attestation from a qualified professional that the submittal complies with this chapter.

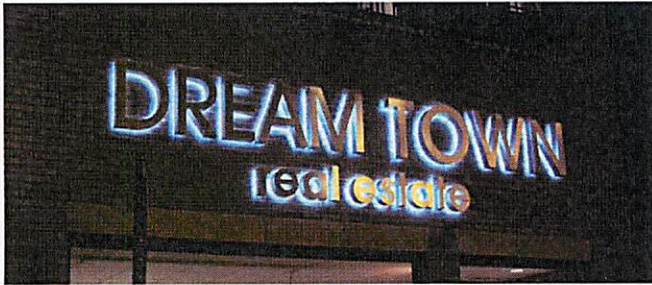
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- 543 ~~External illumination. Signs may be unlighted or lighted externally, provided that the light is shielded~~  
544 ~~such that the light source causes no glare, and does not encroach upon neighboring properties~~  
545 ~~or on coming traffic. No exposed light sources are permitted. Colored and flashing lights are~~  
546 ~~prohibited. All lighting shall be shielded and directed only at the sign surface. Illumination source~~  
547 ~~shall be included with the master sign plan.~~
- 548 ~~(4) Internal illumination. Individual pan-channel letters with a plastic face or individual cut-out letters~~  
549 ~~(i.e., letters routed out of the face of an opaque cabinet sign) are permitted. The plastic face or~~  
550 ~~backing of the letters shall be ivory colored. Reversed pan-channel letters with an internal light~~  
551 ~~source reflecting off of the building face may also be used for "halo" or "silhouette" lighting. The~~  
552 ~~light source for internally illuminated signs shall be white.~~
- 553 (45) *Wall signs mounted on parapets.* A wall sign mounted on a parapet wall shall be mounted six  
554 inches or more below the top of the parapet wall.
- 555 (56) *No imitation of traffic signs.* Signs shall not resemble, imitate or approximate the shape, size,  
556 form or color of traffic signs, signals or devices. Signs shall not obstruct or interfere with the  
557 effectiveness of traffic signs, signals or devices, not be lighted in a way that can cause glare or  
558 impair driver visibility upon roads.
- 559 (67) *No prevention of ingress/egress.* Signs shall not be erected, relocated or maintained in such a  
560 way that prevents free ingress or egress from any door, window or fire escape, and no sign  
561 shall be attached to a standpipe or fire escape.
- 562 (78) *No mounting on natural features.* No signs shall be painted or mounted on trees. No land-form  
563 or naturally occurring land feature (rocks, cliff faces, etc.) shall be defaced for purposes of  
564 displaying a sign.
- 565 (89) *Clearance.* The clearance of a projecting, canopy or wall sign shall be measured from the  
566 lowest edge of the overhang eight feet to the driving or walking surface below.
- 567 (940) *Sign setbacks.*
- 568 a. *Monument and/or ground signs.* Any monument sign or ground sign shall be set back a  
569 minimum of ten feet from any property line. Signs fronting on state highways shall be set  
570 back ten feet from the right-of-way.
- 571 b. *Projections into public right-of-way.* Projections into the public right-of-way are not allowed,  
572 except for signs set by public agencies for safety purposes, such as the state department  
573 of transportation.
- 574 c. *Clear view triangle.* Signs shall not be placed within the clear view triangle as defined in  
575 title 108, chapter 7 of the Weber County Land Use Code.
- 576 (104) *Landscaping.* The ground area around the base of all ground/monument signs shall be  
577 landscaped in accordance with the requirements of applicable chapters of the Weber County  
578 Land Use Code. The planning commission may exempt some monument/ground signs from this  
579 standard where it is demonstrated, by the owner/developer, that the landscaping would unduly  
580 interfere with pedestrian or vehicular traffic, interfere with traffic visibility or for other reasons be  
581 impractical.
- 582 (112) *No street frontage.* When a freestanding building, complex or storefront does not face a  
583 public street or approved private road, and is accessed via a pedestrian area or common  
584 parking and driveway area, the linear footage of building or storefront facing the pedestrian area  
585 or common parking area shall substitute for purposes of determining allowable signage.
- 586 (123) *Sign area.* The area of a sign shall ~~be the measurement of the face of the sign that is~~  
587 ~~designed to present a message or attract attention, plus the structural supports. The combined~~  
588 ~~area of the sign face and structural supports shall not exceed the maximum height and width~~  
589 ~~specified for signs in this chapter.~~ be measured as provided in the definition of "sign area" as  
590 provided in Section 101-1-7.

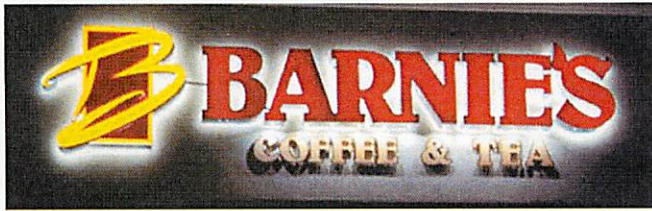
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591 ...

592 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.

593



- | Lumen per Square Foot Ratio                    |  |
|--|--|
| 1650 Lumen Bulb<br>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.

594

595

## Weber County Land Use Code Revision Process Workflow

This flowchart is intended to illustrate the intended course of the revision process. It is not an absolute plan, and deviations may occur as more information is gathered, but it will provide the Planning Commission with an idea where we are in the process at any given time. Staff will refer to this structure regularly.

