



## ALPINE CITY PLANNING COMMISSION MEETING

**NOTICE** is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold an **Electronic Public Meeting** on **Tuesday, September 15, 2020 at 7:00 pm**. Meeting will be anchored from Alpine City Hall, 20 North Main, Alpine, Utah.

The public may view and participate in the meeting via the **Alpine City YouTube Channel** or **attending in person at City Hall**. A direct link to the channel can be found on the home page of the Alpine City website: [alpinecity.org](http://alpinecity.org)

Public Comments may be submitted to [admin@alpinecity.org](mailto:admin@alpinecity.org) Comments for an item on the agenda may be submitted during the meeting and **comments for an item not on the agenda must be submitted by 5:00 pm the day of the meeting or given in person at City Hall.**

### I. GENERAL BUSINESS

- A. Welcome and Roll Call: Jane Griener
- B. Prayer/Opening Comments: John Mackay
- C. Pledge of Allegiance: Jane Griener

### II. PUBLIC COMMENT

Any person wishing to comment on any item not on the agenda may address the Planning Commission. Comments may be submitted to [admin@alpinecity.org](mailto:admin@alpinecity.org) or in person at City Hall.

### III. ACTION ITEMS

#### A. Public Hearing – General Plan – Transportation Element

Planning Commission will hold a public hearing regarding the revised Transportation Element of the General Plan.

#### B. Discussion – Training Materials

Planning Commission will continue a discussion on draft training materials.

#### C. Discussion – Building Code and Ordinance Issues – Outdoor Lighting

Planning Commission will continue discussion on need for an outdoor lighting ordinance.

### IV. COMMUNICATIONS

### V. APPROVAL OF PLANNING COMMISSION MINUTES: September 1, 2020

### ADJOURN

Chair Jane Griener  
September 11, 2020

**THE PUBLIC IS INVITED TO ATTEND ALL PLANNING COMMISSION MEETINGS.** If you need a special accommodation to participate in the meeting, please call the City Recorder's Office at 801-756-6347 ext. 5.

**CERTIFICATION OF POSTING.** The undersigned duly appointed recorder does hereby certify that the above agenda notice was posted at Alpine City Hall, 20 North Main, Alpine, UT. It was also sent by e-mail to The Daily Herald located in Provo, UT a local newspaper circulated in Alpine, UT. This agenda is also available on the City's web site at [www.alpinecity.org](http://www.alpinecity.org) and on the Utah Public Meeting Notices website at [www.utah.gov/pmnn/index.html](http://www.utah.gov/pmnn/index.html).

# PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

**Please remember all public meetings and public hearings are now recorded.**

- All comments **must** be recognized by the Chairperson and addressed through the microphone.
- When speaking to the Planning Commission, please stand, speak slowly and clearly into the microphone, and state your name and address for the recorded record.
- Be respectful to others and refrain from disruptions during the meeting. Please refrain from conversation with others in the audience as the microphones are very sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction of the ongoing discussion (i.e., booing or applauding).
- Exhibits (photos, petitions, etc.) given to the City become the property of the City.
- Please silence all cellular phones, beepers, pagers or other noise making devices.
- Be considerate of others who wish to speak by limiting your comments to a reasonable length, and avoiding repetition of what has already been said. Individuals may be limited to two minutes and group representatives may be limited to five minutes.
- Refrain from congregating near the doors or in the lobby area outside the council room to talk as it can be very noisy and disruptive. If you must carry on conversation in this area, please be as quiet as possible. (The doors must remain open during a public meeting/hearing.)

## **Public Hearing vs. Public Meeting**

If the meeting is a **public hearing**, the public may participate during that time and may present opinions and evidence for the issue for which the hearing is being held. In a public hearing there may be some restrictions on participation such as time limits.

Anyone can observe a **public meeting**, but there is no right to speak or be heard there - the public participates in presenting opinions and evidence at the pleasure of the body conducting the meeting.

# ALPINE CITY PLANNING COMMISSION AGENDA

**SUBJECT: Public Hearing – General Plan – Transportation Element**

**FOR CONSIDERATION ON: 15 September 2020**

**PETITIONER: Mayor and City Council**

**ACTION REQUESTED BY PETITIONER: Hold a public hearing and recommend approval of the proposed Transportation Element of the General Plan.**

## **BACKGROUND INFORMATION:**

On July 14, 2020, the City Council adopted Resolution 2020-09, which began the process of amending the City’s General Plan and land use ordinances as they pertain to streets and roads going in and out of the City. On August 4, 2020, the Planning Commission discussed new language for the Transportation Element of the General Plan. The City Attorney has reviewed the proposed language and provided feedback. Based on that feedback the Planning Commission has drafted a new Transportation Element of the General Plan. The Planning Commission will hold a public hearing on the proposed Transportation Element of the General Plan and make a recommendation to City Council.

### **STAFF RECOMMENDATION:**

Recommend approval of the Transportation Element of the General Plan as proposed.

### **SAMPLE MOTION TO APPROVE:**

I motion to recommend that the Transportation Element of the General Plan be approved as proposed.

### **SAMPLE MOTION TO APPROVE WITH CONDITIONS:**

I motion to recommend that the Transportation Element of the General Plan be approved with the following conditions/changes:

- \*\*\*Insert Finding\*\*\*

### **SAMPLE MOTION TO TABLE/DENY:**

I motion to recommend that the Transportation Element of the General Plan be tabled/denied based on the following:

- \*\*\*Insert Finding\*\*\*

**RESOLUTION NO. R2020-14**

**ADOPTING THE TRANSPORTATION ELEMENT OF THE GENERAL PLAN**

A RESOLUTION ADOPTING A NEW TRANSPORTATION ELEMENT OF THE GENERAL PLAN FOR THE CITY OF ALPINE.

WHEREAS, the Planning Commission of Alpine City has certified a Transportation Element of the General Plan to the City Council, and

WHEREAS, the City Council deems it to be in the best interest and general welfare of the City of Alpine to adopt said Transportation Element of the General Plan;

THEREFORE, be it resolved by the City Council of the City of Alpine that the Transportation Element of the General Plan dated September 22, 2020 is hereby adopted as the Transportation Element of the General Plan of the City of Alpine.

This resolution shall become effective immediately upon its passage.

Dated this \_\_\_\_\_ day of September 2020.

\_\_\_\_\_  
TROY STOUT, MAYOR

ATTEST:

\_\_\_\_\_  
BONNIE COOPER, CITY RECORDER



# TRANSPORTATION & TRAFFIC CIRCULATION

## GOAL #1

Create and maintain a multi-modal transportation system that is pedestrian friendly, safe and efficient.



## POLICIES

- 1.1 Promote safe and efficient traffic circulation by following the Street Master Plan.
- 1.2 Connect neighborhoods and open spaces of the City with appropriate trails, sidewalks and bike lanes that support alternate forms of local transportation and recreation.
- 1.3 Work with adjacent communities and other agencies to acquire financial aid for transportation improvements. ~~and regional integration.~~
- 1.4 Emphasize the maintenance of roads to ensure a high quality road system.
- 1.5 Promote the use of roundabouts or other traffic flow options to prevent the need for stop lights therefore maintaining the historic small-town rural atmosphere.
- 1.6 Limit intermunicipal street connections to existing planned connections only. Ensure that street connections to other municipalities outside the City boundaries are compatible with the goals and policies of the General Plan, require City Council

approval, and include required updates to the General Plan, Street Master Plan, and applicable ordinances.



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approval, and include required updates to the General Plan, Street Master Plan, and applicable ordinances.

## **ALPINE CITY PLANNING COMMISSION AGENDA**

**SUBJECT:** Discussion – Training Materials

**FOR CONSIDERATION ON:** 15 September 2020

**PETITIONER:** Chair of Planning Commission

**ACTION REQUESTED BY PETITIONER:** Review and discuss draft training materials.

### **BACKGROUND INFORMATION:**

In July 2020, City Councilwoman Jessica Smuin shared training videos from the Land Use Academy of Utah with the Planning Commission. Planning Commissioner Alan MacDonald has since drafted training material, based on the videos, for discussion.

The Planning Commission briefly discussed this item at the August 18, 2020 Planning Commission meeting. The item was tabled and Jane Griener, Chair of the Planning Commission, asked that the Planning Commission go through the document and make notes and any additions that would improve the document and it would return for further discussion.

### **STAFF RECOMMENDATION:**

Review and discuss draft training materials.

THE PLANNING COMMISSION  
ONE ATTORNEY'S VIEW  
BY DAVID L. CHURCH  
2007

One of the most important elements of local government in Utah is the planning commission. Members of planning commissions by in large are dedicated volunteers who perform this service out of love for their community and interest in subject. However, for some reason planning commissions and some planning commissioners are always in disputes with their city or town council or with the land owners who have to deal with them. This is unfortunate and in my view is a product of misunderstanding the role of the planning commission and its members.

Every Utah city and town is required to pass an ordinance establishing a planning commission<sup>1</sup>. The ordinance must define the number and terms of the members and alternate members if any. In addition the ordinance should indicate the mode of appointment. This implies that perhaps someone other than the mayor (or the city manager in the city manager optional form of government) could be given the right to appoint planning commission members by the ordinance. I do not believe this would be a proper interpretation. Mayors or city managers, depending on the form of government in the city, clearly have the statutory authority to appoint, with the advice and consent of councils, persons to the city commissions including the planning commission.<sup>2</sup>

To be consistent with the other provisions of the Utah Municipal Code, the mode of appointment of planning commissioners in the ordinance would have to be limited to things other than the power of appointment. The ordinance must also contain the procedures for filling vacancies and removal from office. This has been an overlooked provision in most ordinances and the source of some contention and even law suits. The best practice is to make this section fairly specific and have definite standards of conduct and attendance for commission members. Without these specifics it may be difficult to remove members from a commission prior to the expiration of their term in office.

The ordinance should also detail the authority of the authority of the planning commission. Every planning commission is given some minimal authority under state law. This authority given by state law cannot be taken from the planning commission by the city or town council. This minimum authority consists of making a recommendation to the city or town council for a general plan and amendments to the general plan and recommendations to the city or town council land use ordinances, zoning maps, official maps, annexation policy plans and amendments to these ordinances. The commission must hold public hearings in these areas as well. The planning commission must also be involved in making recommendations on proposed subdivision plats.

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<sup>1</sup> Utah Code 10-9a-301

<sup>2</sup> Utah Code sections 10-3-809(2)(h), 10-3-1219(d), and 10-9-1226(2)(7)

No other powers or duties need be given to the planning commission by the city or town and the planning commission does not have any other inherent powers. Many commissions try to involve themselves in matters such as business licensing, animal regulations and nuisance enforcement. This is appropriate only if the city or town ordinances delegate these responsibilities to them.

The city and town land use ordinances must identify a land use authority and an appeal authority for every land use decision applying the adopted city or town land use ordinances.<sup>3</sup> There can be several land use authorities in a town or city.

The planning commission may be designated in the land use ordinances as the land use authority in the city for making all or specific land use decisions or they may be designated as the appeal authority for appeals from land use decisions, but the planning commission cannot be the deciding authority and the appeal authority on the same issues. For example if the planning commission is given by the city or town ordinance the authority to review and approve site plans then some other person or body must be given the authority to appeal the decisions of the planning commission on site plans.

The ordinance setting up the planning commission should also establish the details of how the commission operates and the rules of procedure of the planning commission. The ordinance may also fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended. This section of state law should be read to say that planning commissioners may be reimbursed for their services but it is not paid employment.

It is not uncommon for members of a planning commission to get "cross wise" with the city or town council. This is understandable since the primary purpose of the planning commission is to make reasoned recommendations to the council about the general plan and the land use ordinances, but the city or town council is under no obligation to take the recommendations of the planning commission. It is not a rare occurrence for members of a planning commission to become invested in their recommendations. These recommendations are the product of long public processes and hard decision making. It can appear disrespectful to the process and the efforts of the planning commission when the council ignores the recommendations of the planning commission and goes off on its own. There is no solution to this source of conflict. Decisions regarding the general plan and the adoption of land use ordinances are legislative acts that are intended to be made by elected policy makers and not by appointed commissioners. Council members must always respect the recommendation of the planning commissions, but in the end they need to vote for their own constituents according to their own consciences.

It is also not uncommon for city and town councils to become frustrated with their own planning commissions. This is generally not because of any recommendation made by the planning commission, but when the commission is acting as a land use authority and granting or denying permits and approvals. The principle source of this frustration is a planning commission's attempt to exercise discretion in granting or denying these

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<sup>3</sup> Utah Code section 10-9a-302.

permits. Utah law is very clear that a landowner is entitled to approval of a land use application if the application complies with the city or town's ordinance.<sup>4</sup> It is also specifically stated in Utah law that a land use authority cannot impose any requirement on an applicant for a land use permit that is not specifically expressed in either state law or local ordinances.<sup>5</sup> In addition the law states that if a proposed subdivision, with limited exceptions, complies with the city or town ordinances, it must be approved.<sup>6</sup> What all this means is that the planning commission, when acting as a land use authority, has very little discretion on whether or not to grant or deny the permit. If the land owner's application complies with the ordinances the commission must approve it, and if it does not comply then the planning commission must deny the application. This is regardless of whether or not the planning commission, or the public, thinks that the application is a good or bad idea. In addition if the city or town ordinances are ambiguous they must be interpreted by the city or town in favor of the land owner.<sup>7</sup> When a planning commission ignores the law and approves (or denies) a land use application in violation of the city or town ordinances it just makes trouble and unnecessary conflict for the city or town council. This type of trouble they always resent.

There are, I believe, some basic rules for members of a planning commission to follow that will help the planning process and avoid conflict between the planning commissions and the city or town councils.

First, planning commissioners must understand and appreciate the dual role that they may play. When they are making a recommendation on a general plan or on a land use ordinance they are a part of the political, legislative process. They have broad discretion in what their recommendation can be. They can listen to the public even if it is just uneducated clamor. When the planning commission is acting as a land use authority it has little discretion. They are acting in an administrative capacity. The land owner's application either complies with the ordinances or it does not. An individual planning commissioner's opinion of the merits of a proposed land use application is not relevant to the process. Any individual commissioner's opinion, and any public's comments and concerns, are relevant only to the extent that they speak to issue of compliance with the existing law.

Second, planning commissioners must understand that the planning commission is intended to shape policy not make policy. It is not a representative body and has no constituency. Commissioners do not represent neighborhoods and are not gate keepers. Their role is to be experts in planning and the local ordinances. They are to make reasoned recommendations and apply the ordinances as written. If a planning commissioner wants to be a policy maker he or she just needs to put their names on a

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4 Utah Code section 10-9a-509(1)(a)

5 Utah Code section 10-9a-509(1)(c)

6 Utah Code section 10-9a-603(2)

7 *Brown v. Sandy City Bd. of Adjustment*, 957 P.2d 207, 210 (Utah Ct. App. 1998) and *Patterson v. Utah County Bd. of Adjustment*, 893 P.2d 602, 606 (Utah Ct.App.1995).

ballot and win an election. Until they do so they should not attempt to make policy. They should be content with just shaping policy.

Third, planning commissioners should respect the public process and the due process rights of the land owners. All meetings of the planning commission must comply with the Utah Open and Public Meetings Act.<sup>8</sup> This means that both decisions and deliberations of a planning commission must be public.

A public hearing is required by law for many things that a planning commission may be involved in and can be held by many planning commissions on other matters as a matter or routine. The purpose of a public hearing is to receive information from and give information to the public. A hearing is held within a public meeting for a specified time. It is not to seek the public's approval or permission to do something. In my opinion it is never appropriate to poll the members of the public in attendance at a meeting to see what they think. The people in attendance at any meeting are not necessarily representative of the residents of the city or town as a whole. They are at the meeting because they have a position that is so strongly held that they will leave their TV's and come to a meeting. While what they say matters, the volume and number of repetitions does not. A public hearing should be a time that the planning commission listens and learns. It is not a time to convince or argue with the public.

Procedural due process requires that an applicant for any permit be given notice of any meeting regarding his or her application; the right to be heard; and a fair hearing or decision. Utah law requires that the applicant be given specific notice of the date, time and place of any meeting where the application is being considered and also be given copies of any staff reports regarding the application at least three days before the meeting or hearing.<sup>9</sup>

Lastly, it is important to remember that being on a planning commission is about public service. One of the primary roles of a planning commission is to help the landowner accomplish with his land what the landowner desires, in a manner consistent with the city's plans and ordinances. Many planning commissioners seem to delight in frustrating the plans of the landowner. They take delight in telling people no—instead of how. Some planning commissioners feel that it is their role to force an applicant to do what the commissioner would do if the commissioner owned the property. These attitudes do not serve the public.

A planning commission fulfills its purpose when it acts in a manner supportive of the policy and policy makers. It is not intended to be adversarial to the council. It is not a check or balance to the council. It is not there to slow growth or frustrate land owners. It is there to add professionalism, fairness and common sense to the planning and land use control process. It only serves this valuable function when works within the constraints of the law and without regard to public prejudice and the clamor of the crowd.

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<sup>8</sup> Utah Code sections 52-4-1 et. seq.

<sup>9</sup> Utah Code sections 10-9a-202.

## [Initial Draft: For Review and Comment Only]

### ALPINE CITY PLANNING COMMISSION

#### Training Materials

##### PART 1. What Hat Do We Wear?

All local land use and zoning decisions involve three areas of decision-making:

- Legislative decisions
- Administrative decisions
- Quasi-judicial decisions

**Legislative function: Makes the law.** This requires taking policy (what local citizens want) and turning those desires into law, in the form of ordinances. Examples include changing the general plan, adopting or amending ordinances, and annexation. Only an elected body such as a City Council has the authority to pass laws. However, it is the job of a Planning Commission to create and recommend a General Plan to the City Council. It is also a core duty of a Planning Commission to create and recommend changes to zoning and land use ordinances.

**Administrative function: Applies the law.** This arises once ordinances are passed. It applies these ordinances to different individuals and circumstances. For example, if a land use application is made, the administrative role is to apply the existing land-use law to that application. There are no policy considerations in an administrative function; it is assumed those decisions were already made in the legislative process. Examples include subdivision applications, conditional use permits and building permits. Administrative decision can be made by any party that the legislative body appoints, often in the form of city officials and/or a Planning Commission.

**Quasi-judicial function: Interprets the law.** This function arises when a dispute over the law or its application occurs. Local governments typically appoint a person or body to handle this role, known as a local appeal authority.

##### PART 2. Planning Commission: How to Apply the Law to Our Decisions and Meetings

The duties of a Planning Commission include both legislative and administrative functions (if delegated to it.) The three main duties of a Planning Commission are to:

1. Create and recommend changes to the General Plan
2. Create and recommend changes to Ordinances
3. Handle assigned administrative matters if delegated to do so

**Create a General Plan.** Utah law states that a Planning Commission's duty is to make a General Plan, and amendments thereto, and recommend the Plan (or amendments) to the City Council.

The Plan is the Commission's recommendation for what a community should be. It is an ongoing process that requires work, time and care. This duty to plan represents one part of a Planning Commission's legislative role. The Commission is helping to make the law.

**Create Zoning and Ordinance Changes.** The second duty, after planning, is to make recommendations to the City Council regarding zoning and land use ordinance changes. This is also a legislative role. Zoning decisions and amending the code make the law. The Planning Commission's job is to discuss, consider, draft and recommend land use regulations and amendments. By law, a City Council may not adopt or amend a land use regulation without a recommendation from a Planning Commission. Refining the City's land use code is a constant, ongoing effort to make it better, clearer, easier, and compliant with ever-changing state law.

A properly functioning Planning Commission will spend most of its time on these two legislative roles.

**Handle Administrative Matters if Delegated.** Planning Commission's role may be to make administrative decisions. These decisions do not change the law, but merely apply it to individual land use applications such as conditional use applications or subdivision approvals. The Planning Commission only has these administrative functions if the City Council has delegated them. City staff can also fill this role. It is up to the City Council to decide what works best.

Administrative functions are important, but they are not the core role of a Planning Commission. Nothing in the state code gives the administrative role to a Planning Commission; however, if that role is given in the local code, it must be done promptly, diligently and in careful accordance with the law.

### **PART 3. Working with Public Input**

The power of a local government to make and enforce land-use laws is not inherent. It is specifically delegated to them by the state. Land use power is derived from the police power, to protect the health, safety and welfare of the citizens. The local government, however, has great discretion to decide what it wants its town to be, and accordingly what zoning and land use laws it will adopt. Our system gives local governments power to tell people what they can or can't do on their land, in the interests of the public good. However, to do this, the Council must formally pass ordinances and abide by them in uniform decision-making.

With regard to public hearing requirements, state law makes a distinction between legislative and administrative functions.

**Legislative function.** The public's role in this process is critical. The City Council is a legislative body, elected by and accountable to the public, and they should listen to the public tell them what they want their town to be. Thus, when a legislative decision is being made, the public has a right to speak. Likewise, state law requires that a Planning Commission hold at least one public

hearing when considering a legislative decision or function. The public must be allowed to speak in any meeting designated for a public hearing.

**Administrative function.** State law does not require a public hearing for administrative decisions. It only requires a public meeting. However, a local ordinance may require a public hearing for administrative functions. Public opinion is relevant for legislative decisions, but not for administrative functions. The only relevant consideration for administrative application of an ordinance is whether the proposed use or application complies with the ordinance. If it does, the answer is yes. Administrative decisions must be based on substantial evidence.

What should a Planning Commission do when the public shows up clamoring over an administrative decision? Recommended options:

1. Not hold a public hearing for every administrative action, unless required by local ordinance.
2. Make sure we, as a Commission, understand the difference between public clamor and evidence.
3. Try to educate the public regarding their role and how to best fulfill it. Educate the public on the difference between legislative and administrative functions. Let the public know that clamor is unhelpful at the administrative stage. Evidence, not opinion, is what is required.

In summary, opinion is helpful and encouraged on legislative functions. However, as to administrative decisions, only substantial evidence should matter to the Commission as it seeks to apply the law to the situation. Managing this process and avoiding making administrative decisions based on public clamor is one of the best ways to make a correct and legally supportable decision.

## **ALPINE CITY PLANNING COMMISSION AGENDA**

**SUBJECT: Discussion – Building Code and Ordinance Issues – Outdoor Lighting**

**FOR CONSIDERATION ON: 15 September 2020**

**PETITIONER: Mayor**

**ACTION REQUESTED BY PETITIONER: Review and discuss.**

### **BACKGROUND INFORMATION:**

Mayor Stout has asked that the Planning Commission review and discuss potential building code and ordinance issues with the goal of protecting the qualities of Alpine City and its neighborhoods for the future. In this discussion, the Planning Commission will be looking at outdoor lighting and dark sky ordinances as a continuation of the discussion from the September 1, 2020 Planning Commission Meeting.

In the last discussion on outdoor lighting, the Planning Commission came up with a list of potential items to include in the ordinance. These items include:

- 1) restrict or limit lighting on sport courts,
- 2) light curfew: all lights be off after midnight (with an exception for security lights that have motion sensors and timers), and
- 3) dark sky standard for City streetlights.

Cities with dark sky ordinances include: Torrey, UT; Springdale, UT; Jackson, WY; Kanab, UT; Ogden Valley, UT; Ketchum, ID; Aspen, CO; and Goleta, CA (<http://darkskystudies.org/lighting-ordinances>). As an example of this type of ordinance, the Torrey, UT ordinance is included in the packet.

Also, included in the packet are outdoor lighting ordinances from Lehi, Highland, and Pleasant Grove.

### **STAFF RECOMMENDATION:**

Review and discuss outdoor lighting in Alpine.

## **HIGHLAND**

### **3-4112 Athletic Court**

An athletic court is a solid playing surface constructed for recreational purposes. Athletic courts having any type of structure exceeding six feet (6') in height including fencing and lighting shall require a building permit and shall be subject to the following requirements:

Any structural portion of an athletic court shall not be permitted within an easement (see exception in 3-4112(3)(f) below).

Athletic courts that are enclosed or covered within a permanent structure and are detached from the main dwelling unit shall be considered an accessory structure and shall be subject to Sections 3-4104 and 3-4109 of this Code.

Setbacks. An athletic court may cover the total lot area within a rear yard not located within an easement. Minimum setback requirements from property lines are as follows:

Front Yard: 30' Minimum

Rear Yard: 10' Minimum (see exception in 3-4112(3)(f) below)

Side Yard: 10' Minimum (see exception in 3-4112(3)(f) below)

Side Yard Adjacent to Street: 10' Minimum (see exception in 3-4112(3)(f) below)

Trail or Landscape Easement: 10' Minimum (measured from the nearest easement line)

Exception. It is not recommended that any resident/property owner construct an athletic court within a recorded easement however, if a resident provides the information listed below with their building permit for an athletic court with a fence less than six feet (6') in height, the rear and side yard setbacks defined above would not apply and the property owner may install their athletic court within any portion of their property behind the minimum front yard setback and within a public utility easement. The required documentation for this exception is as follows:

Acknowledgement letters from all of the utility companies who have interest in that easement (it is important to understand the utility companies will typically not vacate or waive their right to use a recorded public utility easement); and

Blue stake tickets indicating any utilities within that easement; and

A signed and notarized "hold harmless" letter indemnifying Highland from any potential future loss and acknowledgement of potential financial loss for the property owner, due to the possible use of that easement.

Fencing. All athletic courts enclosed with fencing shall be required to obtain a fence permit prior to construction. An athletic court is the only use that allows fencing enclosures above six feet (6') in height. Fencing above six feet (6') in height shall not exceed the fencing enclosure maximum height of twelve feet (12'). Fencing enclosures shall not be considered as part of standard property line fencing. Fencing materials for athletic courts shall consist of open mesh fabric or vinyl coated chain link without slats. Fencing for athletic courts that are less than six feet (6') in height may be placed along a rear property

line or side property line within the rear yard. In all cases, Athletic courts with fences between six feet (6') and twelve feet (12') in height shall be subject to 3-4112(3) in this ordinance (above).

**Lighting.** All athletic court lighting must be directed downward and shall not spill on to an adjacent property. The applicant shall provide evidence indicating that their light product and lighting plan will not cause light or light pollution from the athletic court light(s) to extend beyond their property line. Design and location shall be specified with the plans submitted for a building permit. Lights and light poles including the light base and any supporting structures in regards to athletic courts shall not be in excess of twenty feet (20') in height. Light operating hours shall be restricted to 7:00 am - 10:00 pm.

**Grading.** All athletic court areas shall be designed, graded, and constructed to allow for drainage which meets Appendix J Section J109 of the International Building Code. In no case shall any court be designed to permit water from any source to drain onto an adjacent property or upon the public right-of-way.

### ***3-4113 Private Riding Arenas***

Private riding arenas are permitted under the following conditions:

A riding arena is a post and beam structure without a floor or subfloor used for the riding of horses.

Riding arenas are only allowed on parcels greater than or equal to two (2) acres and are only allowed if there is a home on the property. If no home is on the property, a riding arena may be allowed by obtaining a conditional use permit.

The riding arena shall be for private purposes only. No public purposes, events or uses are permitted.

The maximum size of a riding arena shall not exceed ten (10) percent of the gross lot area.

No riding arena shall be greater than eighteen (18) feet in height at the side wall and twenty-five (25) feet in height at the peak.

Riding shall be placed in the rear yard and not located any closer than fifteen (15) feet from any property line or within seventy-five (75) feet of an adjacent existing home.

**Outside lighting used on riding arenas should be fully shielded and directed down.**

### ***3-4309 Parking***

Except as may be provided elsewhere in this ordinance, there shall be provided at the time of erection of any building, or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provisions for ingress and egress by standard-sized automobiles. If any land, structure or use is changed from one use to another which requires more off-street parking spaces, there shall be provided such additional off-street parking for the new use as is required by this chapter.

Parking Lot Characteristics. Each parcel of land developed for off-street parking in response to the requirements of this chapter shall provided the following characteristics:

Surfacing. Each lot shall have a paved, all-weather surfacing material consisting of a minimum of six (6) inches of road base with three (3) inches of asphalt, or, three (3) inches of road base with six (6) inches concrete paving on all parking areas and service roads. Surfacing shall be maintained in good condition and kept clear and in an unobstructed and usable condition at all times during business hours. Responsibility for maintenance of the lot shall rest with the property owner. The lot shall provide adequate access to a street or alley.

Grading. Parking lots shall be graded for proper drainage with surface water diverted in such a way as to keep the parking area free of accumulated water or ice. All surface drainage shall be contained within development site and approved by City Engineer.

Lighting. Lots shall be properly illuminated, with luminaries arranged so as to baffle and direct light away from any adjoining residential buildings. Lighting details are specified in Section 3-4316 of this Code....

### **3-4364 Lighting**

The following articles shall relate to guidelines for exterior lighting of any commercial development. These articles relate to parking lighting, sign lighting, architectural lighting, safety lighting, and landscape lighting.

Lighting shall be stationary. No lighting shall be of unusually higher intensity or brightness than a 300 watt bulb.

Lighting shall be directed away from all adjacent properties and public streets and right-of-ways.

Lighting shall be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel.

Parking light standards shall not exceed fifteen (15) feet in height or the height of the tallest building, whichever is less (not including the base). The base of the light fixture shall not exceed three (3) feet in height.

Street lighting and parking lot lighting contribute to the safety and security of each development, improving night visibility. Unique lighting fixtures may provide easy identification of entrance and exit ways for motorists. Such lighting shall be encouraged, however, lighting potentially visible from adjacent properties shall be subdued and shall not interfere with vehicular traffic.

Use of mercury vapor or exposed fluorescent lights is prohibited. Energy efficient warm, white lighting, such as high pressure sodium or quartz halogen,

Automatic timers on lighting shall be encouraged. Well designed systems can maximize personal safety during nighttime use while saving energy.

Lighting may be used to enhance landscaping and reinforce architecture, with dramatic up lighting or wall shadow effects with plant materials encouraged.

Parking lot light fixtures shall be consistent in styling with the design theme proposed for that development.

Service area lighting shall be contained within service yard boundaries, with light sources concealed.

Lighting shall not cast any glare onto adjacent lots and streets in any manner.

Building illumination and architectural lighting shall be creative and must reinforce the design theme. Indirect wall lighting or "wall washing", overhead down lighting, or interior illumination which spills outside is prohibited.

Architectural lighting is encouraged to articulate the particular building design. Rim lighting of eaves, bending, up lighting, and other effects shall be used in harmony with design theme.

Architectural lighting shall be integrated with building elements.

The gasoline canopy shall not be internally lighted. Gasoline pump islands may be illuminated from overhead down lighting designed to light the pump island areas only.

## **LEHI**

### ***Section 12.110. Lighting Regulations.***

(Amended 03/25/14)

Chapter 12 Development Standards Adopted 9/24/96

Lehi City Development Code Page 12-9

A. Purpose. Standards for controlling lighting and

glare are designed to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their

owners and occupants while allowing adequate levels

of lighting for adjoining uses and activities.

B. General Non-Residential Site Lighting and

Glare Standards.

1. Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the boundary property line from a

visible source of illumination of such intensity as

to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights

shall be made up of a light source and reflector so

selected that acting together, the light beam is

controlled and not directed across any adjoining property line above a height of three (3) feet. The allowable maximum intensity measured at the property line of a residential use in a residential Zoning District shall be 0.2-foot candles. No light pole shall be erected unless set back a distance equal to its height from all adjacent residential property.

## 2. Height.

(a) On tracts or lots over three (3) acres in size, the maximum height for poles with lights is thirty (30) feet.

(b) On tracts or lots less than three (3) acres, the maximum height of poles with lights is twenty (20) feet.

(c) Special lighting or lighting higher than thirty (30) feet may be approved as specifically noted on an approved site plan.

(d) Lighting materials shall be of a nongalvanized material and color to be approved at final site plan.

(e) On properties less than three (3) acres, but greater than one (1) acre, the maximum height of poles with lights shall be thirty (30) feet if the following conditions are met:

(i) Subject property has a minimum 300 foot separation from any residentially zoned property as measured from the property lines; and,

(ii) Property is located adjacent to an arterial or State road.

(iii) The lighting fixtures used shall be new precision luminaires with flat

lenses. Fixtures shall conform to the light trespass requirements in this section, and a photometric design shall be submitted as part of the site plan requirements.

**C. Residential Lighting and Glare Standards. Residential lighting for security and night recreation use is permitted in all residential Zoning Districts provided the following requirements are met:**

1. Direct lighting over ten (10) feet in height is shielded from adjacent property.
2. No light source shall exceed thirty (30) feet in height, except Road and Streetlights operated by the City and other traffic safety lighting devices.
3. Lighting shall not directly shine on adjacent dwellings.

## **PLEASANT GROVE**

### **10-15-44: EXTERIOR LIGHTING:**

The purpose of this section is to regulate the placement, aim, distribution patterns, fixture types and operation of outdoor lighting installed in the city. It is the intent of the city to encourage lighting that provides safety, utility and security. It is the intent of the city to protect the enjoyment of private property rights, and reduce atmospheric light pollution. It is the intent of the city to limit glare on public ways and private property by confining direct light (i.e., line of sight view of the lighting filament, element or source) to the premises.

#### **A. General Provisions:**

1. All outdoor lighting in nonresidential developments shall be turned off after business hours, except for essential security lighting.
2. Electrical service to outdoor light fixtures shall be underground unless fixtures are mounted directly on buildings or public utility poles.
3. Lights mounted to the exterior walls of buildings shall be aimed towards the building.
4. Light fixtures shall be shielded type fixtures that are located, mounted and aimed to prevent direct light and glare from exceeding beyond the site's perimeter.

5. Light fixtures on poles shall be installed at a maximum height of twenty feet (20') in residential zones unless otherwise provided for herein. Pole height shall not exceed the maximum allowed fixture height.

6. Light fixtures designed as part of a larger improvement or development to portray a historic period or unique architectural style are encouraged where appropriate. Such fixtures are not required to be shielded, however, where nonshielded fixtures are used, the maximum lumens generated by each fixture shall not exceed two thousand (2,000) (equivalent to a 150 watt incandescent bulb). The height of such light fixtures shall not exceed twenty feet (20').

7. Light fixture height shall be measured from the ground surface being illuminated to the bottom of the light fixture.

8. Exterior lighting installed prior to the creation of this chapter shall be subject to the requirements of this chapter if, in the opinion of the community development director, that lighting creates a public nuisance or hazard.

9. The community development director may find that exterior lighting is a public nuisance if such lighting is deemed by the public safety director to be a hazard to vehicular traffic.

10. The community development director may find that exterior lighting is a public nuisance if direct light enters onto adjacent properties and is offensive to adjacent property owners, and such lighting is not exempt under subsection B of this section.

B. Exemptions: The following types of outdoor lighting shall be exempt from the provisions of this section, except as specifically stated in this subsection:

1. Holiday lighting during the months of November, December and January, provided such lighting shall not create nuisance or hazardous, dangerous glare on adjacent streets, or nuisance glare on adjacent properties.

2. Temporary lighting, including, but not limited to, circuses, fairs, carnivals and civic uses, for a period not to exceed fourteen (14) days, with the approval of the community development director. Requests for extensions of time may be approved by the community development director.

3. Lighting necessary for permitted agricultural operations.

4. Construction or emergency lighting; provided, that such lighting is temporary and is discontinued immediately upon completion of the construction workday or abatement of the emergency circumstances necessitating such lighting.

5. Lighting for public streets.

6. Lighting for public facilities such as the city's recreation facilities (parks, softball fields, tennis courts, swimming pool, rodeo grounds, etc.), parking lots and buildings; and the Alpine School District schools, playing fields, parking lots, etc., except that such uses shall contain direct light to the premises.

7. Lighting for residences, except that said lighting shall not constitute a public nuisance.

**C. Parking Lot Lighting:**

1. Parking lots should be illuminated adequately for security and safety, but such illumination shall be controlled to prevent direct light and glare from exceeding beyond the site's perimeter, and from becoming a nuisance to adjacent property owners. Parking lot lighting shall not be used to draw attention to a business.

2. Parking lot lighting shall be designed so the minimum illumination at grade level is between two-tenths (0.2) and three-tenths (0.3) foot-candle in residential zones and between three-tenths (0.3) and five-tenths (0.5) foot-candle in nonresidential zones. The ratio of average parking lot illumination to minimum parking lot illumination shall not exceed four to one (4:1).

D. Lighting Of Exterior Sales/Display Areas: The following provisions apply to businesses such as automobile, heavy equipment and recreational vehicle dealerships and other businesses, such as building material stores, which rely on outdoor display of merchandise:

1. Areas designed for parking or passive display of merchandise shall be lighted in accordance with the standards for parking lots in subsection C of this section.

2. Exterior display/sales areas shall be designed so that the ratio of average sales/display area lighting to minimum sales/display area lighting shall not exceed four to one (4:1).

E. Security Lighting: Adequate lighting should be provided to protect persons and property and to allow for the proper functioning of surveillance equipment. The following requirement shall apply to security lighting:

1. Security lighting plans shall utilize shielded fixtures. Floodlights shall not be permitted.

2. Vertical features, such as building walls, may be illuminated for security purposes to a maximum height of twenty feet (20') above grade.

3. Security lights intended to illuminate a perimeter, such as a fence line, shall be allowed only if regulated by a motion detection system that automatically turns on the lighting when an intruder moves to within five feet (5') of the perimeter, and automatically turns off the lights after a maximum period of thirty (30) minutes.

4. For security lighting in residential zones, the average illumination of a vertical surface or a horizontal surface at grade level shall not exceed one-half (1/2) foot-candle. For security lighting in nonresidential zones, the average illumination of a vertical surface or a horizontal surface at grade level shall not exceed one and one-half (1 1/2) foot-candles.

F. Lighting Of Gasoline Station/Convenience Store Canopies: Gasoline station and convenience store canopies should provide lighting for customers. Lighting shall not be a nuisance or hazard to adjacent property owners or on adjacent streets. The following requirements shall apply to lighting of gasoline station/convenience store canopies:

1. Lighting fixtures in the ceiling of canopies shall be fully recessed in the canopy or shielded.

2. Light fixtures shall not be mounted on the top or fascia of such canopies.

3. The fascia of such canopies shall not be illuminated except for approved signage.

4. The ratio of average illumination to the minimum illumination at grade in the areas around the gasoline pumps shall not exceed four to one (4:1). (Ord. 2000-23, 7-18-2000)

## **LINDON**

### **18.02.090**

#### ***Lighting.***

1. General Lighting Standards. The following requirements shall apply to exterior lighting of any residential, commercial, industrial, or professional development. These requirements are applicable to parking lighting, sign lighting, architectural lighting, safety lighting, and landscaping lighting.

a. Lighting shall be stationary. No lighting shall blink, flash, or be of unusually high intensity or brightness so as to be distracting to motorists or other properties within the vicinity.

b. Lighting shall be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel.

c. Light poles shall not be used to display signs of any kind unless approved by the Planning Commission.

d. Neon lights, strings or lines of LED lighting, other electrically activated gas tubing or similar lighting placed around the perimeter of a sign, along a building elevation as building accents, or within a window (where such lighting is intended to be visible from the exterior of the building) is prohibited. Neon tubing may only be allowed to illuminate or outline wording, copy, or logos within a sign face.

2. Signage illumination Limits. As recommended by the Outdoor Advertising Association of America (OAAA) and the International Sign Association (ISA), the following criteria shall be used to determine proper illumination limits for all signs regulated within the T-zone (Travel Influence District) established by LCC 17.52:

a. The illumination of, or light produced by, any sign shall not increase nighttime ambient light levels by more than 0.3 footcandles as measured by an illuminance meter (footcandle meter) placed five (5) feet above the ground and perpendicular to the sign face at a distance determined by the following formula:

b. At the distance determined by the formula in 2(a) above, illuminance levels shall be measured with the sign lighting turned on, and again with the sign lighting turned off. The difference between the illumination measurements taken at the appropriate distance shall not exceed 0.3 footcandles. For digital signs (Electronic Changeable Copy signs) the difference between the on and off illuminance levels shall be measured while displaying:

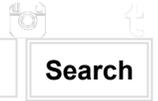
i. a solid white screen image (for a full color-capable display), and the sign lighting turned off; or

ii. a solid screen image (for a single-color display), and the sign lighting turned off.

3. Upon receiving reasonable written notice from Lindon City, all sign owners shall cooperate with the City in order to test signage illumination limits. (Ord. 2005-12, amended, 2005; Ord. 2002-21, amended, 2002)

1. Sport Courts. Outdoor sport courts are permitted when in compliance with the following conditions:

a. Lighting of sport courts shall be contained within the sport court boundaries and shall not be directed onto another's property.



MENU

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# Lighting for Policy Makers



## Why Should Your Municipality be Concerned about Light Pollution?

### **Energy Waste and Carbon Emissions**

In an average year in the U.S. alone, outdoor lighting uses about 120 terawatt-hours of energy, mostly to illuminate streets and parking lots. That's enough energy to meet New York City's total electricity needs for two years!

mostly by lights that aren't shielded. That adds up to \$3.3 billion and the release of 21 million tons of carbon dioxide per year! To offset all that carbon dioxide, we'd have to plant 875 million trees annually ([see our Light Pollution and Energy Waste page](#)).

### **Negative Effects on Wildlife**

Numerous studies have shown that artificial light at night has numerous negative and deadly effects on many types of [wildlife](#) including birds, amphibians, insects and mammals.

### **What about Crime and Safety?**

There is no clear scientific evidence showing that increased outdoor lighting deters crime. While brighter lighting may make us feel safer, poor outdoor lighting can actually [reduce our personal safety](#). A [study conducted by the city of Chicago](#) found a correlation between increased crime and brightly lit alleyways. A [study prepared by the U.S. National Institute of Justice](#) concluded: "We can have very little confidence that improved lighting prevents crime."

In fact, glare from bright lights creates shadows where criminals can hide. Some crimes like vandalism and graffiti thrive on lighting.

Glare can also be dangerous to pedestrians and drivers. It shines into our eyes, constricting our pupils, which diminishes our ability to adapt to low-light conditions.

### **A Problem that has Simple Solutions**

The good news is that your municipality can have it all – environmentally responsible lighting that helps keep citizens safe. When lighting is shielded, it's directed down on the ground where it's needed, which minimizes glare, light pollution and carbon emissions, and saves money.

### **Why Outdoor Lighting Ordinances Matter**

[Outdoor lighting ordinances](#) or codes are a great tool for ensuring that municipalities implement good, safe outdoor lighting. A well-written ordinance, with proper lighting installed, will save the public money and increase safety. IDA, in collaboration with the Illuminating Engineering Society (IES), created the [Model Lighting Ordinance](#) (MLO) to make it easier for municipalities to adopt good lighting plans.

### **LEDs and Outdoor Lighting**

efficient, light emitting diodes (LEDs). However, energy efficiency is just one piece of the puzzle in improving outdoor lighting at night.

IDA has developed a set of recommendations for municipalities considering the installation of [LED lighting systems](#). These recommendations take into account a number of important considerations and provide guidance for selecting outdoor lighting that increases energy and cost savings, enhances safety and security, protects wildlife, and preserves the nighttime environment.

We strongly encourage municipalities to give serious consideration to these recommendations before converting to a LED outdoor lighting system.

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Lighting

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LED Practical Guide

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# Building Code & Ordinance Issues

## Changes in Measuring Structure Height

- Should be measured from original/natural grade, not allowing artificial buildup (Unless building on existing grade of xx% of slope, then modify accordingly)
- Evaluate changes to current measuring to "midline" of roof
- Look at basement wall height allowances, which are used to increase height
- Look at max height as it relates to minimum setback from the street (Should we allow a home to rise to maximum height without depth or dimension next to the sidewalk or road?)
- Monolithic structures that occupy an entire lot, rising to max height, wrapping around the corner to create a 30' wall

## Garage Doors On Frontage

- Size and number of "RV-style" doors on frontage (limit to 1 or 2 on street)
- Total number of garage doors as percentage of building on frontage

## Lighting

- Total number of lights projecting from building (soffits and structure)
- Total wattage/lumens allowed to project from structure or property
- Limit "influence" of lighting: no projection onto sidewalk, street or across property lines
- Limit hours of full light to 10:00 pm, similar to noise ordinances (reduce to minimum levels after 10)
- Look at other city (Park City, Midway, Boulder, etc.) lighting ordinances to see how far they go to contain light pollution
- I want to make the lighting laws retroactive to the extent the law allows us to do so. We are going to dim the lights in Alpine!

## Recreational Structures

- Setbacks for "natural" or artificial features that rise above the fence line into neighbors' field of view
- Ratio of rec. structure as compared to dwelling should be strict
- Re-evaluate height restrictions
- Elevation and setbacks for swimming pools

## Artificially Increasing Driveway Slope

- Max grade increase should be imposed (will likely be redundant to new grade language, which is good)
- Setback should be increased commensurate with slope increase
- No use of retaining walls to facilitate (engineered) steeper driveway

Massive Additions (by lot acquisition or on existing)

- Automatic increase in setback and dimensional requirements (roofline) when monolithic building stretches from border to border
- Stricter guidelines on building being more congruent with others in the area, and with the original structure
- Look at limiting addition square footage, not to exceed xx% of original structure
- When acquiring neighboring lot for expansion, require additional setback and smaller building envelope
- Evaluate language regarding "addition" vs. auxiliary building, and how the two attach to the original structure

# Chapter 4

## OUTDOOR LIGHTING

### 9-4-1: PURPOSE:

The purposes of this chapter are to:

- A. Encourage outdoor lighting practices that will minimize light pollution, glare, light trespass and sky glow in order to preserve the natural dark of the night sky and to prevent lighting nuisances on properties.
- B. Promote energy conservation.
- C. Maintain nighttime safety, utility and security.
- D. Prevent unnecessary or inappropriate outdoor lighting.
- E. Maintain the rural atmosphere and village character of the town. (Ord., 3-10-2016)

### 9-4-2: DEFINITIONS:

For the purpose of this chapter, certain words, phrases and terms used herein shall have the meanings assigned to them by this section:

**ACCENT OR ARCHITECTURAL LIGHTING:** Lighting of building surfaces, landscape features, statues and similar items for the purpose of decoration or ornamentation; or lighting that does not contribute to the safety or security of residents, guests, employees or customers on a property.

**CORRELATED COLOR TEMPERATURE (CCT):** A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees kelvin (K).

**DIRECT ILLUMINATION:** Illumination resulting from light emitted directly from a lamp, luminary or reflector. This does not include light reflected from other surfaces, such as the ground or building faces.

**FLOODLIGHT:** A fixture or lamp designed to "flood" an area with light. A specific form of lamp or fixture designed to direct its output in a specific direction. Such lamps are often designated by the manufacturer and are commonly used in residential outdoor lighting.

**FULL CUTOFF FIXTURE:** An outdoor light fixture designed so that the installed fixture emits no light above the horizontal plane. Full cutoff light fixtures must be shielded in and of themselves. Surrounding structures, like canopies, are not to be considered when determining if the fixture is full cutoff. Full cutoff fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal and all light is directed downward.

**INTERNALLY ILLUMINATED:** As it relates to signs, any sign which has a light source entirely enclosed within the sign and not directly visible to the eye.

**LIGHT POLLUTION:** Any adverse effect of manmade light. Often used to denote "sky glow" from cities or towns, but also includes glare, light trespass, visual clutter and other adverse affects of lighting.

**LIGHT SOURCE:** The part of a lighting fixture that produces light, e.g., the bulb.

**LIGHT TRESPASS:** Light falling where it is not wanted or needed. Spill light falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

**MANUFACTURER'S CATALOG CUTS:** A publication or other printed material of a lamp or lighting manufacturer offering visual and technical information about a lighting fixture or lamp.

**OUTDOOR LIGHT FIXTURE:** An outdoor electrically powered illuminating lamp or similar device used for lighting structures, parking lots, pathways, service canopies, recreational areas, signs or other similar outdoor lighting uses.

**RECREATIONAL LIGHTING:** Lighting used to illuminate sports fields, ball courts, playgrounds or similar outdoor recreational facilities.

**SECURITY LIGHTS:** Lighting designed to illuminate a property or grounds for the purpose of visual security.

**SPOTLIGHT:** A fixture or lamp designed to light a small area very brightly. See definition of Floodlight.

**TOWER:** Any monopole, antenna or the like that exceeds eighteen feet (18') in height.

**UNSHIELDED FIXTURE:** A fixture that allows light to be emitted above the horizontal either directly from the lamp or indirectly from the fixture or reflector. Any fixture not full cutoff. (Ord., 3-10-2016; amd. 2016 Code)

**9-4-3: SCOPE AND APPLICABILITY:**  

- A. Compliance: All exterior outdoor lighting installed after the effective date hereof in all zones in the town shall conform to the requirements established by this chapter. This chapter does not apply to indoor lighting. However, light trespass from interior lighting that negatively impacts adjacent properties is also prohibited.
- B. Nonconforming Uses: All existing outdoor lighting that does not meet the requirements of this chapter and is not exempted by this chapter shall be considered a nonconforming use. The town will encourage property owners to voluntarily bring nonconforming exterior lighting into compliance with this chapter. Where appropriate, the town may also provide assistance and expertise to homeowners in bringing their exterior lighting fixtures into compliance with this chapter.
- C. Modifications; Compliance Through Building Permit Process: The town may require exterior lighting fixtures to be brought into compliance, through the building permit process, if substantial modifications are made to the exterior of the building or if the footprint of the structure is enlarged.
- D. Change Of Ownership: Properties that change ownership, whether residential or commercial, must bring exterior lighting into compliance with this chapter.
- E. Conflicts: Should this chapter be found to be in conflict with other ordinances of the town, the more restrictive shall apply. (Ord., 3-10-2016)

**9-4-4: APPLICATION AND REVIEW PROCEDURE:**  

- A. Lighting Plans Required: All sign permit applications, building permit applications and design development review applications shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources will comply with this chapter and shall include the following:
  1. Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used and installation and electrical details.

2. Illustrations, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. For commercial uses, photometric diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide sufficient information regarding the light fixture, bulb wattage and shielding mechanisms for the planning commission to be able to determine compliance with the provisions of this chapter.
3. A table showing the total amount of proposed exterior lights, by fixture type, wattage, lumens and lamp type.

**B. Approval Procedure:**

1. The lighting plan for all new development shall be submitted for approval concurrent with the associated application process. (Ord., 3-10-2016)
2. A certificate of occupancy shall not be issued until such time as the property is subject to a postinstallation nighttime inspection by the building inspector. (Ord., 3-10-2016; amd. 2016 Code)

**9-4-5: FULL CUTOFF FIXTURE REQUIREMENTS:**  

A. Required: Unless specifically exempted by this chapter, all outdoor lighting shall use full cutoff fixtures that are designed and constructed so that no light is emitted from the top or sides of the fixture. Lighting must be placed at a location, angle or height to prevent direct illumination outside the property boundaries where the light fixtures are located.

B. Characteristics: In order to qualify as a "full cutoff" fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as full cutoff. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover or other similar cover does not qualify as full cutoff. (Ord., 3-10-2016)

C. Restrictions On Total Amount Of Unshielded Lighting: Outdoor lighting that is not subject to the shielding requirement in subsection [9-4-6C](#) of this chapter shall not exceed five thousand (5000) lumens per net acre for commercial properties, and one thousand (1000) lumens per net acre for residential properties. (2016 Code)

**D. Exemptions To Full Cutoff Fixture Requirements:**

1. Fixtures having a total light output less than one thousand (1000) lumens (approximately equal to a 60 watt incandescent bulb or a 15 watt compact fluorescent) are exempted from the full cutoff requirement provided:
  - a. The fixture has a top that is completely opaque such that no light is directed upward.
  - b. The fixture has sides that completely cover the light source and are made of opaque or semiopaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light. Semiopaque material, such as dark tinted glass or translucent plastic, may be used if the light source is not discernable behind the material. Completely transparent materials, such as clear glass, are not allowed.
  - c. The light source (light bulb or filament) must not be visible from any point outside the property on which the fixture is located.
2. Spotlights controlled by motion sensors having a light output less than one thousand (1000) lumens per lamp (allowing a maximum of a 60 watt incandescent or a 15 watt compact fluorescent bulb) are exempt from the full cutoff requirement, provided:

- a. The fixture is a spotlight or other type of directed light that shall be directed at a forty five degree (45°) angle or less, where the zero angle is pointing straight down.
- b. The fixture must not be placed in such a manner that results in illumination being directed outside the property boundaries where the light fixtures are located.
- c. The fixture must be hooded or shielded to the extent necessary to prevent glare on adjacent properties or roadways.
3. Pathway lights less than eighteen inches (18") in height are exempted from the full cutoff fixture requirement, if the total light output from each pathway light is less than three hundred (300) lumens and the lights have opaque caps that direct light downward.
4. Architectural lights, water feature illumination and sign illumination are all exempted from the full cutoff fixture requirement, provided such illumination meets all other applicable standards of this chapter. (Ord., 3-10-2016; amd. 2016 Code)

#### **9-4-6: CONDITIONS AND STANDARDS GENERALLY:**

- A. Minimum Necessary: Outdoor lighting should be the minimum necessary to provide for safety and functionality. The lowest wattage light source necessary for a lighting application should be used. (Ord., 3-10-2016)
- B. Maximum Color Temperature Of All Lighting Fixtures: The correlated color temperature of any outdoor lighting fixture shall not exceed three thousand degrees kelvin (3000°K).
- C. Maximum Lighting Allowed: The total amount of outdoor lighting, whether shielded or unshielded, shall not exceed twenty five thousand (25 000) lumens per net acre for commercial properties and five thousand (5000) lumens per acre for residential properties. (2016 Code)
- D. Allowable Applications: Outdoor lighting shall only be allowed in the following applications:
  1. To illuminate the entrances to buildings (including garage entrances).
  2. To illuminate pathways and walkways.
  3. To illuminate parking areas and parking area access lanes.
  4. To illuminate outdoor gathering areas, such as patios, pool and hot tub areas, outdoor dining areas and recreation areas.
  5. For security purposes, provided all the following conditions are met:
    - a. The lighting is activated by motion sensors and shuts off fifteen (15) minutes after each disturbance or when the activity involved is completed.
    - b. The lighting is placed and directed such that no direct illumination falls outside the property boundaries where the security lighting is placed.

6. To illuminate signage.
7. For architectural lighting, provided all of the following conditions are met:
  - a. The property where the architectural lighting is placed is on a property designated as commercial by the town.
  - b. The architectural lighting is compatible with the purposes of this chapter as determined by the planning commission.
  - c. All architectural lighting is mounted on and directed onto the front of a commercial building facing the street.
  - d. The architectural lighting is sufficiently shielded such that the light source is not visible beyond the property boundaries.
  - e. The architectural lighting is directed such that all light falls on the front of the building, and not on the adjacent ground or into the night sky.
  - f. The architectural lighting uses low wattage light sources.
  - g. The architectural lighting is not used to illuminate landscape, statues or other similar features.
8. To illuminate outdoor water features, provided all of the following conditions are met:
  - a. The lighting is angled below the horizontal plane.
  - b. The lighting is placed underneath or behind the water such that the water diffuses the light from all points where the light is visible.
  - c. Each light source has a total light output of one thousand (1000) lumens or less and the total lighting is not greater than necessary to achieve the desired artistic effect.

#### E. Light Curfews:

1. Commercial establishments shall turn off all outdoor lighting, except that listed below, by one hour after closing. (For the purposes of this section, motels and hotels are considered open around the clock when they are open for the season.)
  - a. Lighting to illuminate the entrance to the commercial establishment.
  - b. Parking lot and pathway lighting required for the safety of guests.
2. Recreational lighting (residential and commercial) shall be turned off by ten o'clock (10:00) P.M., except to conclude a community approved sporting event that is underway. (Ord., 3-10-2016; amd. 2016 Code)

#### **9-4-7: SPECIALIZED OUTDOOR LIGHTING:**

- A. Gas Station Canopies: Gas station canopies may be illuminated, provided all light fixtures are mounted on the underside of the canopy, all light fixtures are full cutoff and diffusers are not visible from locations off the property. Except for directed beam lighting, merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture. Directed beam lighting mounted under the canopy is allowed, provided the light source cannot be seen from outside the property boundaries.

B. Roadway/Streetlights: Streetlights are allowable as recommended by the town engineer or town council. All streetlights shall utilize lamp types that are energy efficient and minimize sky glow and other negative impacts of artificial lighting.

C. Parking Lots:

1. Spot or flood lighting of parking lots from a building or other structure is prohibited.
2. The overall height of any light post used to illuminate parking lots in commercial zones shall not exceed fourteen feet (14'). All post mounted parking lot lights shall be set back from property lines a distance that is determined appropriate by the planning commission.
3. The overall height of any light post used to illuminate parking lots in residential zones shall not exceed six feet (6').
4. All parking lot lighting shall use full cutoff fixtures.

D. Recreational Lighting:

1. The planning commission shall review all requests for new recreational lighting fixtures for fields or courts. The planning commission shall approve such requests only after finding:
  - a. The recreational lighting has provisions for minimizing glare, spill light and uplight by the use of louvers, hoods or shielding.
  - b. The recreational lighting does not exceed illumination levels for class IV sports lighting set by the Illuminating Engineering Society Of North America.
  - c. The recreational lighting will only illuminate the field or court area and shall be shielded to prevent illumination falling outside of those areas.
  - d. The light source for the recreational light will not be visible from adjacent properties.
2. Pole mounted recreational lighting shall be limited to eighteen feet (18') in height. Pole mounted recreational lighting must be set back an appropriate distance from neighboring properties as determined in consultation with the planning commission.
3. The lighting for nonfield and noncourt areas shall conform to all provisions of this chapter.

E. Amphitheater Lighting: Outdoor amphitheaters may use illumination to light the performance area of the amphitheater and for the safety of the public. The following standards apply to all amphitheater lighting:

1. Lighting used to illuminate the performance area must be either directed spotlighting or full cutoff lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.
2. Lighting used to illuminate the performance area may only be turned on during performances or rehearsals.

3. Lighting used to illuminate the seating areas, pathways and other areas of the amphitheater must meet all standards of this chapter.

F. Signs: Signs may be unlighted, lighted externally, lighted internally or backlit. All sign lighting must be designed, directed and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that only the sign face is illuminated. All lighted signs must have stationary and constant lighting. (Note: For additional information on sign lighting standards, please refer to the town sign ordinance, [chapter 3](#) of this title.)

1. Standards For Externally Illuminated Signs:

- a. Lighting for externally illuminated signs must be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
- b. Lighting for externally illuminated signs must be mounted at the top of the sign (or within 2 feet of the top of a building mounted sign), except for freestanding monument style signs which may be illuminated by ground mounted lighting.

2. Standards For Internally Illuminated Signs - Lighting Is Visible On Both Sides Of Sign:

- a. Only sign copy areas and logos may be illuminated on an internally illuminated sign.
- b. Internally illuminated signs shall use semiopaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign copy. Noncopy portions of the sign (e.g., background and graphics) shall be made of completely opaque material.

3. Standards For Backlit Signs - Only One Side Of Sign Is Lit:

- a. Backlit signs shall be designed such that the light source is not visible.
- b. Backlit signs shall be designed such that harsh, direct illumination does not emanate out of the sign. Rather, the backlighting shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy are allowed.
- c. Backlit signs shall use low wattage light sources.

4. Illuminated Window Signage: Illuminated window signs positioned to be primarily visible outside the business structure are allowed only if there are no more than two (2) signs per business space and each sign measures less than three and one-half ( $3\frac{1}{2}$ ) square feet in area. Such signs must not be illuminated when the business is closed. (Ord., 3-10-2016)

**9-4-8: HILLSIDES, RIDGELINES AND SPECIAL CASES:**  

In certain cases (such as, but not limited to, properties on or near ridgelines or hillsides), additional shielding may be required to mitigate glare or light trespass. The need for additional shielding will be considered as part of the review process performed by the planning commission prior to approval of any business or residence. (Ord., 3-10-2016)

**9-4-9: TOWERS:**  

A. All monopole, antenna, tower or support facility lighting not required by the federal aviation administration (FAA) or the federal communications commission (FCC) is prohibited.

- B. When lighting is required by the FAA or the FCC, such lighting shall not exceed the minimum requirements of those agencies. Collision markers should have a dual mode for day and night to minimize impact to the night sky and migrating birds.
- C. All other lighting used on the property not regulated by the FAA or FCC shall conform to this chapter. (Ord., 3-10-2016)

#### **9-4-10: EXEMPTIONS:**

The following shall be exempt from the requirements of this chapter:

- A. Holiday lighting from November 15 to January 15 as long as it does not create a hazard or nuisance to surrounding businesses or residences.
- B. Traffic control signals and devices.
- C. Temporary emergency lighting in use by law enforcement or government agencies, or at their direction.
- D. The lighting of federal or state flags; provided, that the light is a narrow beam aimed and shielded to illuminate only the flag. Flag lighting should use appropriate illumination levels to light the flag, while at the same time fulfilling the purposes of this chapter.
- E. Low voltage LED lights and solar lights used to illuminate pathways in residential areas, provided the lights are installed no more than eighteen inches (18") above the adjacent ground level and have caps that direct the light downward.
- F. The planning commission, as part of its review as outlined in this chapter, may approve lighting that does not conform to these standards if need is established. An applicant requesting such lighting is required to provide proof of requirements of property insurance or findings of competent research demonstrating the need for the requested lighting. The planning commission may attach other conditions to the approval of such lighting that will make the lighting comply with the spirit of this chapter. (Ord., 3-10-2016)

#### **9-4-11: PROHIBITED LIGHTING:**

The following are prohibited:

- A. Uplighting to illuminate buildings and other structures, or vegetation, except as allowed by other provisions in this chapter.
- B. Flashing, blinking, intermittent or other lights that move or give the impression of movement, not including holiday lighting between November 15 and January 15.
- C. Floodlights or spotlights affixed to buildings for the purpose of lighting parking lots or sales display lot areas.
- D. Searchlights, laser source lights or any similar high intensity light.

E. Except when used in window signage pursuant to subsection [9-4-7F4](#) of this chapter, neon or luminous tube lighting, either when outdoor mounted or indoor mounted if visible beyond the property boundaries. (Ord., 3-10-2016)

**9-4-12: VIOLATIONS:**  

The following constitute violations of this chapter:

- A. The installation, maintenance or operation of any lighting fixture not in compliance with the provisions of this chapter if such fixture is installed subsequent to the date when this chapter is formally adopted.
  
- B. The alteration of outdoor lighting fixtures after a certificate of occupancy has been issued without the review and approval of the planning commission when such alteration does not conform to the provisions of this chapter.
  
- C. Failure to shield, correct or remove lighting that is installed, operated, maintained or altered in violation of this chapter. (Ord., 3-10-2016)

## **ALPINE PLANNING COMMISSION AGENDA**

**SUBJECT:** Planning Commission Minutes September 1, 2020

**FOR CONSIDERATION ON:** 15 September 2020

**PETITIONER:** Staff

**ACTION REQUESTED BY PETITIONER:** Approve Minutes

**BACKGROUND INFORMATION:**

Minutes from the September 1, 2020 Planning Commission Meeting.

**STAFF RECOMMENDATION:**

Review and approve the Planning Commission Minutes.

**ALPINE CITY PLANNING COMMISSION MEETING**  
**Alpine City Hall, 20 North Main, Alpine, UT**  
**September 1, 2020**

**I. GENERAL BUSINESS**

**A. Welcome and Roll Call:** The meeting was called to order at 7:00 p.m. by Chairwoman Jane Griener. The following were present and constituted a quorum:

Chairwoman: Jane Griener

Commission Members: Ethan Allen, Troy Slade, Sylvia Christiansen, Alan MacDonald, Ed Bush

Excused: John MacKay

Staff: Austin Roy, Jed Muhlestein, Marla Fox

Others:

**B. Prayer/Opening Comments:** Troy Slade

**C. Pledge of Allegiance:** Troy Slade

**II. PUBLIC COMMENT**

There were no public comments.

**III. ACTION ITEMS**

**A. Public Hearing – Zone Change – Pearce Properties (approximately 1185 East Mountain Drive)**

Austin Roy, City Planner, presented the staff report and explained that Terry and Tony Pearce were seeking to develop their land on the east end of Watkins Lane and East Mountain Drive. They were proposing to develop a new 10-lot subdivision. The areas to the west and south of the proposed subdivision were zoned CR-20,000. The Pearces were requesting a zone change for the land to match the other homes along East Mountain Drive and Watkins Lane. Austin Roy displayed the Street Master Plan and identified where the property boundaries were located. He said the end objective would be to connect East Mountain Drive to Watkins Lane and to develop a ten-lot subdivision on half acre lots.

Jane Griener opened the Public Hearing.

Martin White, 1115 East East Mountain Drive, said he opposed the zone change 100 percent. He explained that he did not oppose development, but he bought his property to have an estate feel and for the buffer. He wanted to maintain the current feel of Alpine and for development to happen within the guidelines of the existing zone. He concluded that he purchased his property with the knowledge of surrounding properties being one acre lots, and he wanted it to stay that way.

Gayle Rudolph, 257 International Way, said she was against the zone change. She said she did not believe zones should be changed, noting that there had been many exceptions being made to zones lately.

Jolene White, 1115 East Mountain Drive, said she strongly opposed the zone change, explaining that she bought her property because it was in a one-acre zone. Her family purchased their property with the

1 understanding that the zone would remain one acre lots, and the zone change would greatly depreciate her  
 2 home and estate value. Ms. White explained that the higher density would increase traffic on a very narrow  
 3 road with no sidewalk. She encouraged the City Council and Planning Commission to reject this zone  
 4 change and to keep the existing zone to one acre lots.

5  
 6 Jane Griener closed the Public Hearing.

7  
 8 Terry Pearce, property owner, said he did not think Alpine City carelessly changed zones, and that the City  
 9 did allow for zone changes to occur. He said Mr. White was sitting squarely in the middle of the half acre  
 10 zone and if he wanted an estate property, he should have moved to one. He explained that it was unfair to  
 11 ask someone to maintain open space for free for the benefit of other people. Mr. Pearce said he had owned  
 12 this land for over twenty years and was not wanting to build a subdivision to make money, but to provide  
 13 lots for his children and his brother's children. A number of the lots would be larger than 20,000 square  
 14 feet and there still would be open space where the current homes were located. The subdivision was on flat  
 15 land. He stated that it made sense for larger lots to be situated by the mountain, and he and his brother  
 16 would keep larger lots as a buffer with several acres each; however, they wanted to allow for smaller lots  
 17 closer to the half-acre zone. He emphasized that he wanted his children and grandchildren close to him.  
 18 Mr. Pearce continued that they were not trying to do anything out of line and wanted to cooperate with the  
 19 City. He said his property was surrounded by half acre lots, and again noted that Mr. White lived in the  
 20 half-acre zone. He concluded that if people wanted to protect their views, then they should buy the land  
 21 instead of trying to control what he did with his land.

22  
 23 Sylvia Christiansen asked what the plan was for the road on the Street Master Plan. Jed Muhlestein said  
 24 the Street Master Plan presented general ideas for creating and maintaining good traffic flow and ways to  
 25 get in and out of neighborhoods. With regard to the property in question, he said there was an existing  
 26 utility easement, as well as water and sewer lines in the area where they had proposed to have a road. In  
 27 this instance, the road did need to go where they were proposing it to go because of the existing utilities.  
 28 He said the proposed road did follow the Street Master Plan but was conceptual and not exact; therefore, it  
 29 would require some changes in order to make it work.

30  
 31 Alan MacDonald asked if Round Mountain Drive was always half acre lots. Austin Roy said he was not  
 32 sure of the history of that area, but he noted that there was also quarter acre lots in this particular  
 33 neighborhood as well.

34  
 35 Jane Griener said she thought this subdivision was a PRD with land given to the City for the soccer park.  
 36 Alan MacDonald said the City had CR-20,000 and CR-40,000 for a reason and there had been no PRD  
 37 requested. He said they should adhere to the zoning that had been laid out by the City and relied upon by  
 38 other property owners and was known to the Pearces when they purchased the property.

39  
 40 **MOTION:** Alan MacDonald moved to recommend the zone change for the Pearce Properties be DENIED  
 41 because the area in question had been zoned CR-40,000. Sylvia Christiansen seconded the motion. There  
 42 were 2 Ayes and 3 Nays (recorded below). The motion did not pass.

43  
 44 **Ayes:**

45 Alan MacDonald  
 46 Sylvia Christiansen

47 **Nays:**

48 Ethan Allen  
 49 Ed Bush  
 50 Troy Slade

51 **MOTION:** Ed Bush moved to recommend the zone change for the Pearce properties be approved as  
 proposed. Troy Slade seconded the motion. There were 3 Ayes and 2 Nays (recorded below). The motion  
 passed.

**Ayes:**

Ethan Allen  
Ed Bush  
Troy Slade

**Nays:**

Alan MacDonald  
Sylvia Christiansen

**B. Public Hearing – Site Plan – T-Mobil Antenna Upgrade**

Austin Roy presented the staff report and explained that ATT-Mobile was seeking to upgrade three antennas and related equipment at the tower site located at 651 South Bateman Lane. The proposed replacement did not substantially change the physical dimensions of the tower or base station (height and width), and therefore should be approved per the Wireless Telecommunications Ordinance of the Development Code. He noted that Article 3.27.030 stated the following:

*State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. For purposes of this Part, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves:*

- *collocation of new transmission equipment;*
- *removal of transmission equipment; or*
- *replacement of transmission equipment.*

Jane Griener opened the Public Hearing.

Diana Dollahite, 88 Cascade, said this tower distracted from the view and asked if it was going to be even bigger. Austin Roy said the new antenna was going to be a little shorter and a little wider, but a substantial change to the antenna would not be made.

Stephanie Tasso said she was concerned about the health and safety of people living under the waves of the towers. Austin Roy said these towers had to meet FCC regulations and any antenna added had to meet those guidelines. Sylvia Christiansen added that the Planning Commission was advised by the FCC that if the tower and antenna met State guidelines, they were required to approve it.

Greg Clark, 114 West Cascade, said the residents were getting vague answers to their questions. He said he would like to see more landscaping and better drawings of what the tower would actually look like.

Stephanie Tasso said it was not right to add a cluster of towers to one neighborhood, because it was not safe to the health of the residents that lived beneath them.

Jane Griener closed the Public Hearing.

**MOTION:** Ethan Allen moved to recommend the T-Mobil Antenna Upgrade be approved as proposed. Ed Bush seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed unanimously.

**Ayes:**

Alan MacDonald  
Ethan Allen  
Jane Griener  
Sylvia Christiansen

**Nays:**

None

1 Troy Slade  
2 Ed Bush  
3  
4

5 **C. Public Hearing – Ordinance No. 2020-17 – Wireless Telecommunications**

6 Austin Roy said Wireless Telecommunications providers consistently upgraded towers or antennas in  
7 Alpine City. More often than not, the upgrades did not substantially change the physical dimensions of the  
8 existing towers or base stations. Per the FCC:  
9

10 *State or local government may not deny, and shall approve, any eligible facilities request for a modification*  
11 *of an existing wireless tower or base station that does not substantially change the physical dimensions of*  
12 *such tower or base station. For purposes of this Part, the term “eligible facilities request” means any*  
13 *request for modification of an existing wireless tower or base station that involves:*

- 14  
15 • *collocation of new transmission equipment;*  
16 • *removal of transmission equipment; or*  
17 • *replacement of transmission equipment.*  
18

19 Based on the above language the City must approve ALL modification to an existing wireless facility or  
20 tower if that modification did not “substantially change” the tower or base station. Since they must be  
21 approved in the above circumstances, staff was proposing that the ordinance be updated to allow these types  
22 of modifications to be approved at a staff level. Austin Roy said a substantial change would state:  
23

- 24 1. *The mounting of the proposed antenna on the tower would increase the existing height of the*  
25 *tower by more than 10%, or by the height of one additional antenna array with separation from*  
26 *the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the*  
27 *mounting of the proposed antenna may exceed the size limits set forth in this paragraph if*  
28 *necessary to avoid interference with existing antennas; or*  
29 2. *The mounting of the proposed antenna would involve the installation of more than the standard*  
30 *number of new equipment cabinets for the technology involved, not to exceed four, or more*  
31 *than one new equipment shelter, or*  
32 3. *The mounting of the proposed antenna would involve adding an appurtenance to the body of*  
33 *the tower that would protrude from the edge of the tower more than twenty feet, or more than*  
34 *the width of the tower structure at the level of the appurtenance, whichever is greater, except*  
35 *that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph*  
36 *if necessary to shelter the antenna from inclement weather or to connect the antenna to the*  
37 *tower via cable, or*  
38 4. *The mounting of the proposed antenna would involve excavation outside the current tower site,*  
39 *defined as the current boundaries of the leased or owned property surrounding the tower and*  
40 *any access or utility easements currently related to the site.*  
41

42 Jane Griener opened the Public Hearing. No comments were made, and Jane Griener closed the Public  
43 Hearing.  
44

45 **MOTION:** Sylvia Christiansen moved to recommend approval of Ordinance 2020-17 as proposed with a  
46 title change on E, (Substantial increase in the size of the tower). Ethan Allen seconded the motion. There  
47 were 6 Ayes and 0 Nays (recorded below). The motion passed unanimously.  
48

49 **Ayes:**  
50 Alan MacDonald  
51 Ethan Allen

**Nays:**  
None

1 Jane Griener  
 2 Sylvia Christiansen  
 3 Troy Slade  
 4 Ed Bush  
 5  
 6

7 **D. Public Hearing – Ordinance No. 2020-16 – Intermunicipal Street Connections**

8 On July 14, 2020, the City Council adopted Resolution 2020-09, which began the process of amending the  
 9 City’s General Plan and land use ordinances as they pertained to streets and roads going in and out of the  
 10 City. On August 4, 2020, the Planning Commission discussed new language for the Transportation Element  
 11 of the General Plan, and on August 18, 2020, the Planning Commission drafted a new ordinance to help  
 12 enforce the language from the General Plan. Ordinance 2020-16 regulated intermunicipal street  
 13 connections, which were limited to existing or planned street connections. The Planning Commission must  
 14 now hold a public hearing on the proposed ordinance and make a recommendation to the City Council.  
 15

16 Jane Griener opened the Public Hearing. No comments were made, and Jane Griener closed the Public  
 17 Hearing.  
 18

19 **MOTION:** Alan MacDonald moved to recommend approval of Ordinance 2020-16 as proposed. Ed Bush  
 20 seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed unanimously.  
 21

22 **Ayes:**

23 Alan MacDonald  
 24 Ethan Allen  
 25 Jane Griener  
 26 Sylvia Christiansen  
 27 Troy Slade  
 28 Ed Bush  
 29

**Nays:**

None

30 **E. Public Hearing – Transportation Master Plan Update**

31 On July 14, 2020, the City Council adopted Resolution 2020-09, which began the process of amending the  
 32 City’s General Plan and land use ordinances as they pertained to streets and roads going in and out of the  
 33 City. On August 4, 2020, the Planning Commission discussed new language for the Transportation Element  
 34 of the General Plan, and on August 18, 2020, the Planning Commission discussed changes to the  
 35 Transportation Master Plan to help enforce the language from the General Plan. The proposed  
 36 Transportation Master Plan highlighted intermunicipal street connections, which were limited to existing  
 37 or planned street connections. The Planning Commission must now hold a public hearing on the proposed  
 38 Transportation Master Plan and make a recommendation to the City Council.  
 39

40 Jed Muhlestein said the Transportation Master Plan was updated to include a couple of new additions for  
 41 future building and to clean up connections that were left off the map.  
 42

43 Jane Griener opened the Public Hearing. No comments were made, and Jane Griener closed the Public  
 44 Hearing.  
 45

46 **MOTION:** Ed Bush moved to recommend approval of Transportation Master Plan as proposed. Alan  
 47 MacDonald seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed  
 48 unanimously.  
 49

50 **Ayes:**

51 Alan MacDonald

**Nays:**

None

1 Ethan Allen  
 2 Jane Griener  
 3 Sylvia Christiansen  
 4 Troy Slade  
 5 Ed Bush  
 6  
 7

8 **F. Discussion – Building Code and Ordinance Issues – Outdoor Lighting**

9 Austin Roy said the Mayor would like the Planning Commission to review a few points to include:

- 10  
 11 1. Total number of lights projecting from building (soffits and structure).  
 12 2. Total wattage/lumens allowed to project from structure and property.  
 13 3. Limit “influence” of lighting: no projection onto sidewalk, street or across property lines.  
 14 4. Limit hours of full light to 10:00 pm, similar to noise ordinances (reduce to minimum levels  
 15 after 10:00.  
 16 5. Look at other city (Park City, Midway, Boulder, etc.) lighting ordinances to see how far they  
 17 go to contain light pollution.  
 18 6. Make lighting laws retroactive to the extent the law allows us to do so. Dim the lights in Alpine.  
 19

20 Alan MacDonald asked who would police this ordinance, to which Austin Roy said it would be a complaint-  
 21 based system. He said the City currently did not have the manpower to enforce every complaint. Alpine’s  
 22 Code Enforcement Officer was part time and a lighting ordinance would require someone to monitor more  
 23 often.  
 24

25 Jane Griener said homes could change the angle of the lights to not point into their neighbors’ yard. The  
 26 Planning Commission then discussed lights that changed colors depending on the holiday and season.  
 27

28 Austin Roy said soffit lights and uplights created light pollution. Jane Griener said a timer might help by  
 29 turning off the lights at a certain hour. She said lights were a security feature as well and turning lights off  
 30 at a certain hour and requiring that they not shine into neighbors’ yards seemed enforceable.  
 31

32 Alan MacDonald said his impression was that they did not have a problem in Alpine as being lit up like an  
 33 urban area. He asked if this issue had been brought up by residents. Jed Muhlestein said he had not heard  
 34 of one single complaint in the entire time he had worked for the City.  
 35

36 Ed Bush said if the City amended the current ordinance almost every single residence would have to make  
 37 changes. He explained that many other cities entertained the option of installing more light poles to spread  
 38 more light on the ground. He noted that soffit lights created the same effect.  
 39

40 Ethan Allen said that Alpine City did not have a dark sky and would not get a dark sky. Jane Griener  
 41 suggested there could be a limit on the lumens or wattage. Ethan Allan said if the City were going to do  
 42 anything, the only factor he would agree upon would be to limit wattage.  
 43

44 Alan MacDonald said they did not have light over exposure in Alpine, but if they were to look at an  
 45 ordinance, he suggested they assess sports courts not spilling light onto neighboring properties past a certain  
 46 time of day. Jane Griener said the Mayor could put an article in the Newline educating the residents to  
 47 turn the lights off and be respectful of neighbors. For example, they could encourage residents to turn all  
 48 lights off after midnight. Ed Bush said there would need to be exceptions for security lights with motion  
 49 detectors after midnight. After subsequent discussion on the matter, the Planning Commission came up  
 50 with a couple of bullet points:  
 51

- 1           1. Restrict lighting on sports courts.
- 2           2. All lighting to be off at midnight with the exception of security lights with motion sensors and
- 3           a timer.

4  
5 Jed Muhlestein said the City could adopt a dark sky ordinance for City streetlights. Jane Griener added that  
6 they could also look at the business signs.

7  
8 **IV. Communication**

9 There were no additional communication items.

10  
11 **V. APPROVAL OF PLANNING COMMISSION MINUTES: August 18, 2020**

12  
13 **MOTION:** Sylvia Christiansen moved to approve the minutes for August 18, 2020, as proposed. Alan  
14 MacDonald seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed  
15 unanimously.

16  
17           **Ayes:**

- 18           Alan MacDonald
- 19           Ethan Allen
- 20           Jane Griener
- 21           Sylvia Christiansen
- 22           Troy Slade
- 23           Ed Bush

17           **Nays:**

18           None

24  
25 **MOTION:** Ethan Allan moved to adjourn. Alan MacDonald seconded the motion. The motion passed  
26 unanimously.

27  
28 The meeting was adjourned at 9:15 p.m.