

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
APRIL 24, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Jack Thomas, Adam Strachan, Charlie Wintzer, Thomas Eddington, Kirsten Whetstone, Anya Grahn, Polly Samuels McLean

WORK SESSION ITEMS

Municipal Outdoor Lighting – Discussion on possible Land Management Code Amendments

Planner Anya Grahn reported that the Staff met with the City Council last October with the intent of discussing seasonal lighting, and the conversation turned to other types of outdoor lighting. A second discussion occurred with the City Council in November when they began talking about uplighting and lighting of public art. The Planning Commission had reviewed the same issues in December and new LMC language was adopted to remove lighting inconsistencies between the Land Management Code and the Municipal Code with regards to seasonal lighting and the dates allowed. At that point, uplighting was also addressed.

Planner Grahn stated that a lighting expert was consulted earlier this month to guide and educate the Staff on the different parts of outdoor lighting. The objective for this work session was to discuss seasonal versus non-seasonal light, façade and uplighting, lighting of outdoor dining, commercial entrance/parking lot lighting, and landscaping and tree lighting.

Planner Grahn remarked that currently the LMC only discusses seasonal lighting, which are Christmas lights. Seasonal lighting is restricted for use on commercial buildings within the HCB, GC, LI and HRC District. They can be hung from November 1st through April 15th and they are supposed to be turned off by midnight. Planner Grahn noted that seasonal lights are left up year-round, which is one reason that prompted this discussion.

Planner Grahn read proposed definitions for seasonal and non-seasonal lighting. “Seasonal lighting is a temporary lighting as defined currently in the LMC from the 1st of November to the 15th of April.” “Non-seasonal lighting would be all outdoor lighting in place longer than 170 days, which is calculated from November 1st through April 15th.”

Planner Grahn reported that the lighting industry suggests that Christmas lights be permitted only for 30 days. That is the typical life span of Christmas lights and if left up longer than 30 days it causes wear that can lead to electrical fires. These lights are traditionally purchased at stores such as Walmart or Target. More expensive commercial grade string lights can be found with specific UL listings and have a longer life span. According to the lighting expert, seasonal lighting requires more than a seasonal UL listing to ensure their longevity and to make sure they do not cause health and safety threat. Planner Grahn stated that if the City decides to address seasonal versus non-seasonal lighting separately, they also need to specify very clear technical language in the Land Management Code, especially for UL ratings.

The Staff requested input from the Planning Commission on a number of questions.

1) Should year-round non-seasonal lights be permitted to outline buildings and add to the ambiance

of the City's commercial districts as is currently being done illegally.

Chair Worel asked if the seasonal tree lights should only be left in the trees for 30 days. Planner Grahn replied that they would address that issue later in the discussion. Director Eddington stated that the issue is based on the typical quality of basic string lights that are purchased over the counter. The lighting expert would only recommend leaving those lights up for 30 days. If seasonal lighting in Park City is from November 1st to April 15th, the City would definitely recommend a commercial rating.

Commissioner Gross thought November 1st seemed early. He suggested starting seasonal lighting when the ski season officially starts or the day after Thanksgiving when the Christmas shopping season begins. Director Eddington believed November 1st was the start date in the LMC because it allows people time to put up the lights prior to Thanksgiving and before the first snow fall. Commissioner Wintzer stated that putting up the lights and turning them on were two separate issues. He noted that Bonanza put up lights in good weather and turned them on a month later.

Commissioner Thomas pointed out that Telluride and other resorts keep year-round seasonal lighting. He assumed Park City wanted to be competitive with other communities. He was inclined to say that seasonal lighting should be allowed. Director Eddington asked if Commissioner Thomas wanted it in all commercial districts and not just the Main Street District. Commissioner Thomas replied that he likes them in the commercial districts.

Commissioner Wintzer stated that seasonal lighting already exists in the commercial districts. Director Eddington explained that lighting is currently allowed in those districts as seasonal lights. However, they are typically left up beyond the April 15th deadline and it is not enforced.

Director Eddington asked if outdoor ambiance lighting was desirable in a resort town in all the commercial districts. Commissioner Wintzer thought it conflicted with the goal to be an environmental community. He was unsure where they would draw the line on what is or is not important.

Planner Grahn stated that the initial argument was that allowing seasonal lighting to light up buildings 24/7 on Main Street was okay because it is the heart of the community and it promotes the Historic District. However, it would become a challenge if they open it up to all the commercial districts. Commissioner Gross suggested that they allow it in the Historic District.

Director Eddington commented on restaurants in other areas throughout town that have great outdoor lighting. Commissioner Thomas thought there may be a way to limit the lumens produced to keep the lights from being overwhelming. Director Eddington stated that the City has been looking at lumens. The question now is whether to start pushing people into LED because they do use less energy. Based on conversations with the lighting expert, if they go with LED it would require a warmer lighting instead of the ice blue. Commissioner Wintzer remarked that LED lights cost more to put in and they cost a lot more to take down.

Commissioner Hontz referred to the minutes from the City Council meeting and asked why this was before the Planning Commission. Director Eddington stated that the City Council provided the recommendations and asked the Staff to discuss it with the Planning Commission. He noted that

the City Council was also concerned about the different kinds of lighting besides seasonal.

Commissioner Gross asked about the Dark Skies Ordinance. Director Eddington explained that the Staff would like to address the Dark Skies Ordinance as part of the lighting discussion. Tyler Poulsen, the Environmental Manager, took the ordinance to a City Council work session approximately eight months ago in conjunction with Planning and Sustainability. Director Eddington clarified that the conversation about lighting actually started with a discussion about cleaning up the Dark Skies Ordinance. As they were working through it they noticed a number of areas where Dark Skies is defied. However, most of the Council members and several people who spoke that day understand that Park City is a resort town and there is a qualitative component to having lighting. It is fun and festive and it provides vitality. Director Eddington stated that the decision was made to look at all the kinds of lighting before addressing the Dark Skies Ordinance.

Director Eddington noted that the Dark Skies Ordinance talks about downlighting all lights and shielding light bulbs downward. It is less than perfect but it goes to the qualitative component of lighting for a resort town versus trying to be sustainable.

Chair Wintzer believed this was an issue for the City Council rather than the Planning Commission. The Planning Commission could provide feedback but the Council needs to decide which direction to take with lighting. Dark skies and lighting will also conflict, but the issue is whether to lean towards darker skies or a brighter town.

Commissioner Gross thought it was a matter of where lighting is appropriate. Lighting on Main Street is different than having lights in other areas. Director Eddington clarified that the City Council was looking to the Planning Commission for ideas and/or recommendations. He asked if the Commissioners preferred to limit lighting to the commercial districts or a particular commercial district. Director Eddington pointed out that the Staff would use the ideas and direction to prepare a Staff report. The Planning Commission was not being asked to make a final decision this evening.

Commissioner Wintzer noted that as you drive into Deer Valley all the trees are lit and it is a residential area. He asked if that was currently permitted under the Code. Director Eddington replied that landscape lighting and residential lighting is allowed. However, he believed the lights Commissioner Wintzer referred to were considered seasonal lighting and those lights should be down by April 15th. It was an enforcement issue for both the commercial and residential. Commissioner Gross believed the lights definitely create the ambiance.

Director Eddington noted that an owner could make the argument that the seasonal lighting is actually landscape lighting, which is allowed year-round. Those types of issues are the reason for re-addressing the Code because it is unclear.

Commissioner Thomas was unsure how they could create a Code that universally handles every condition. He asked if there was a way to create a seasonal lighting plan that meets certain standards. Commissioner Thomas could see lighting as an accent in terms of finding your way into the community. Lighting becomes a problem when it is overdone. Commissioner Gross stated that when the time changes in the Fall and it gets dark earlier, the lights help the view.

Commissioner Hontz suggested that the Planning Commission start by talking about specific things

they like and do not like. For example, some landscape lighting is festive and adds vibrancy, but larger homes in some neighborhoods use lights to emphasize the size of their home and barn.

Director Eddington stated that it was challenging to address every situation. It is more practical for the Staff to write Code language that gives parameters. After checking the Code, Director Eddington noted that residential districts are not held to the same lighting restrictions as the commercial districts for seasonal lighting. Lighting in residential districts can be year-round. Commissioner Thomas believed it was a major environmental issue because lighting is a dramatic impact to the transformer sizes, etc. Director Eddington stated that lighting also has a tremendous impact on landscape material. Lighting left on a tree all year negatively impacts its ability to grow correctly.

Director Eddington asked if the Planning Commission wanted the Staff to generally look at crafting a report that talks about allowing seasonal lighting in the commercial districts as a place to start. Commissioner Hontz was not in favor of outlining buildings with lights other than the buildings on Main Street. She would not want to allow it in other districts. Commissioners Thomas and Wintzer concurred. Planner Grahn asked if they preferred to prohibit all lights, or to only allow things such as landscape tree lighting. Commissioner Thomas reiterated his suggestion for a lighting plan that talks about where lights can go and to what extent in an effort to create continuity within the community, particularly for Main Street and the commercial districts.

Director Eddington stated that the Staff would craft language with regard to a lighting plan that allows for lighting of commercial buildings in commercial districts. Commissioner Wintzer remarked that the Planning Commission was opposed to lighting the buildings. Director Eddington asked if the building could not be lighted at all or only for seasonal lighting. Commissioner Thomas clarified that the Commissioners were concerned about the extreme situations. Commissioner Hontz stated that she worried about it more in other districts than on Main Street. She did not believe they should allow lighting the edge of buildings in other districts at any time of the year.

Director Eddington stated that the Staff would craft language and provide photos for the next discussion.

Planner Grahn asked if the Planning Commission thought the City should set a curfew on lighting. Commissioner Wintzer preferred to make an environmental statement and turn off the lights when people are sleeping. Planner Grahn stated that the Staff had talked about a curfew from the time the bars close. Commissioner Gross suggested half an hour after the bars close.

Director Eddington asked what the Planning Commission thought about the current condition of Main Street at night. Commissioner Wintzer likes what the City does with the lights going across the street. It has been great for 40 years, but he felt it was starting to get a little convoluted. Commissioner Wintzer stated that the lights bring a different atmosphere to Main Street and they need something that says it is seasonal.

Commissioner Thomas remarked that Salt Lake City coordinated with the Power Company and created a lighting plan. He thought Park City could ask people to coordinate on a plan. Commissioner Wintzer concurred. He suggested that instead of lighting the buildings they should light the parks and plazas. In his opinion, there was no reason to light the buildings.

Commissioner Gross thought Main Street would be dismal without lighting because the number of standards up and down Main Street is not enough to light it. Director Eddington noted that the majority of buildings on Main Street are framed with lighting. Some turn them off after April 15th and others are year-round. Planner Grahn stated that the HPCA is very supportive of year-round seasonal lights because it adds to the ambiance of the Historic District and the business owners enjoy them.

Chair Worel asked if the Staff could show pictures comparing the warm and expensive LED lights as opposed to the current lighting.

Commissioner Hontz remarked that winter nights are dark and cold and she was uncertain whether it was necessary to turn off the festive lights on Main Street. Commissioner Gross thought a 2:00 a.m. curfew was reasonable.

The Planning Commissioner discussed non-seasonal lighting. Planner Grahn asked if seasonal and non-seasonal lighting be limited only to the use of LED due to energy savings.

Commissioner Wintzer preferred to see pictures as requested by Chair Worel to make sure the lighting was not limited to the blue ice. Commissioner Thomas pointed out that some LED lighting is not very good and they need to consider it carefully. Director Eddington believed there was something unique about having a variety of different colored lights. Commissioner Hontz thought the non-LED lights would eventually phase out on its own.

Planner Grahn asked if a specific UL listing should be required for seasonal lighting in order to ensure that the lights are temporary and not a permanent fixture.

Commissioner Wintzer felt it was important to specify a UL listing, particularly in Old Town where it could be a fire hazard. Director Eddington stated that it would also give the Building Department the opportunity to enforce it if someone does not meet the required UL listing.

The Commissioners discussed façade and uplighting. Planner Grahn reported that in December the City adopted amendments to the LMC regarding uplighting. Uplighting is permitted residentially or commercially for public statues, public monuments, ground-mounted public art and US flags. All uplighting must be shielded and limited to illuminating the object only. Uplighting is permitted for 30 minutes before sunset and until 11:00 p.m. or until one hour after the close of the business based on their normal hours of operation, whichever is later.

Planner Grahn stated that façade lighting could be used for a number of things. The City currently discourages uplighting because it threatens Dark Skies. A suggestion has been made to limit uplighting for use on public buildings to highlight local landmarks such as the library and City Hall. Planner Grahn stated that if the City pursues façade uplighting they would need to specify UL ratings partially to control the color of the light and also to control the amount of light being reflected. There would need to be specific guidelines as to where façade uplighting would be permitted. Criteria would be set to ensure that the lamps only illuminate the intended object or a specific number of feet around it. The lighting should also be included as part of a 25% allotment of building energy usage.

Planner Grahn presented another question for discussion. In addition to year-round seasonal lights, should uplighting be permitted to highlight architectural features on buildings. Commissioner Wintzer answered no. Commissioner Gross thought it should only be allowed for historical structures. Commissioner Hontz stated that she preferred uplighting rather than seasonal lighting in some cases. Commissioner Wintzer pointed out that it was not a choice because seasonal lighting is already allowed. Without a choice, Commissioner Hontz would not favor facade uplighting in any district except the Historic District. Commissioner Thomas noted that the CC&Rs in many of the residential areas restrict architectural lighting. He was more consistent with that idea. Commissioner Thomas pointed out that people also like to illuminate their trees and landscaping to make them more visible and enjoyable at night.

Planner Grahn asked if the Commissioners had a preference in uplighting architectural features or landscaping. Commissioner Thomas preferred not to light the buildings, but there is a necessity to light entry ways and doorways. The Commissioners concurred.

Commissioner Wintzer remarked that once the existing Code is changed or weakened, you can never go back. He cautioned them to move slowly because they are slowly nipping at what makes Park City Park City. Director Eddington clarified that the Staff was actually proposing stricter standards from what currently exist.

Planner Grahn clarified that there was consensus for not allowing façade and uplighting. Director Eddington asked if they were also against it for the Historic Districts. Commissioner Gross answered yes.

Planner Grahn reviewed the lighting requirements for outdoor dining. The lights must be down directed and shielded. There are no further regulations in the LMC to address lighting for outdoor dining. Lighted outdoor dining adds to the Main Street ambiance.

Planner Grahn asked if the Commissioners thought there needed to be more regulation in the LMC to address outdoor dining. Commissioner Wintzer thought regulation was necessary. He was not opposed to the lighting but it was important to make sure that the light does not creep out of the intended area. Commissioner Hontz thought outdoor dining was self-restricted by the cold weather. Commissioner Wintzer pointed out that the lights are still left on year-round. Commissioner Hontz stated that she personally loves outdoor dining and it adds to the look of Main Street during the summer.

Planner Grahn asked about color specifications. Commissioner Hontz commented on the green lights under the Pizza Noodle, which makes the whole street glow green. The Commissioners felt there should be some parameters with regard to color. Commissioner Thomas remarked that sound can be measured and he was certain there was also a way to measure light. He suggested that they think about restricting the lumens. Commissioner Thomas recommended that the Staff survey some of the structures in town and identify the different degrees of brightness.

The Commissioners discussed commercial entrance/parking lot lighting. Planner Grahn noted that the LMC requires that the lighting must be down directed and shielded. There are no specific regulations beyond that. However, entrance and parking lot lighting is necessary for safety. Planner Grahn stated that according to the lighting expert, lights are only needed 50 feet from the door for

safety in entrance and exiting. Over-lighting causes light pollution and can creep into the neighboring property.

Planner Grahn stated that a question for discussion was whether to leave the lights on or have them off at some point. She noted that the lighting expert had said that police departments have found it easier to notice a break-in when the lights are off. Commissioner Hontz recalled a project at Quinn's Junction where the Planning Commission tried to reduce the amount of lighting, but they were told that it already met the minimum of the LMC. At that time the Planning Commission had talked about further restrictions. Commissioner Hontz believed the lighting for those parking lots was excessive, particularly when no one is there at night, and it is a huge waste of energy. She recognized the balance with safety, but there could be a better way. Commissioner Thomas mentioned motion control. Director Eddington stated that a typical way is motion control or shutting of 80% of the lights one hour after closing. The remaining 20% of the lights are kept on nearest the building.

Commissioner Gross had concerns about the 50-feet of entrance lighting that was recommended by the lighting expert. He noted that 50 feet of lighting would be from the front of Fresh Market to the first parking space. From the standpoint of customers, Commissioner Gross felt it was important to have parking lot safety. He was also concerned about having the right lumens. He was not opposed to reducing the amount of lighting for businesses that close at a reasonable hour. Commissioner Thomas thought they could make the biggest difference by reducing parking lot lighting and street lighting, and possibly having wayfinding low-profile lighting.

Planner Grahn stated that the next issue was landscape and tree lighting, which the Commissioners had briefly talked about. It is currently not specifically addressed in the LMC. As previously mentioned, string lights can inhibit the natural growth of trees. In addition, if the lights are not removed and inspected, it causes deteriorated wiring which leads to fire hazards. Planner Grahn stated that in talking with Public Works and the lighting expert, they were against seasonal lighting or anything being on the trees. Wrapping the trees inhibited growth and weather damage to wiring was a safety issue. Turning off lights also saves energy.

Planner Grahn asked if the Planning Commission would support strict provisions in the Code that require annual maintenance and inspection of seasonal lights in the commercial district. She stated that Park City is a tree-friendly community and it is important to maintain the trees and keep them healthy. If string lights are causing hazards, that should be addressed. Director Eddington understood that lighting on deciduous trees during their dormant season is not as harmful as during the spring, summer and fall seasons. The Staff intended to follow up on that information. To answer the question regarding strict provisions requiring annual maintenance and inspection, Commissioner Thomas did not think it was the responsibility of the Planning Commission and it could create a liability issue.

Planner Grahn asked if there should be limitations as to when seasonal or non-seasonal lights on landscaping can be displayed in order to prevent damage to trees and not restrict growth. Chair Worel thought there should be limitations. Commissioner Thomas did not have a strong opinion.

Commissioner Wintzer referred back to the first question and thought there should be a strict provision for Old Town because of the fire hazard on Main Street. Director Eddington clarified that the recommendation would be for the property owner to do the inspection. Commissioner Thomas

was comfortable with that. The Commissioners concurred.

Chair Worel called for public input.

Lynn Ware Peek stated that starting in July, all outdoor lights in the entire country of France must be turned off after 2:00 a.m. She thought that was an interesting piece of information.

Mary Wintzer understood differentiating Historic Main Street, but she was certain that businesses in the other districts would feel discriminated against. She thought it was important to make one general rule. Ms. Wintzer thought it was important to understand that if they have it, it will multiple. She felt the Olympic lighting was ridiculous. Park City is a natural environment and to strengthen the Dark Sky Ordinance would be in keeping with what a mountain community would do.

Carol Fontana agreed with Ms. Wintzer. She asked how they would determine loss of the night sky. Most of the lights are left on to at least 1:00 a.m. and some are on all night. Treasure Mountain Inn has lights on anywhere from 2:00 to 6:00 a.m. She lives right in town and she can no longer see stars or any night sky. She wonders what the tourists think when they cannot see the sky. Ms. Fontana believed that a 3:15 a.m. curfew was too late.

Commissioner Gross stated that these are commercial districts and tourists come to Park City to ski, shop and go to restaurants. He understood Ms. Fontana's concern, but he did not think people would be deterred from coming back to Park City because they could not see the stars.

Ms. Fontana felt this was an aspect of Park City that should not be dismissed because it is a commercial area. It is a struggle for residents in Old Town. Whatever the City decides, she requested that they actually enforce it and that the enforcement officer is supported by the community.

Commissioner Thomas liked the idea of a time clock, and noted that some communities reduce the lighting capacity during certain hours by a time clock. Planner Whetstone noted that some big cities have ordinances that only allow certain floors of a building to be lit at night.

The Work Session was adjourned.