

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
September 28, 2016**

PRESENT: Adam Strachan, Preston Campbell, Steve Joyce John Phillips, Laura Suesser, Doug Thimm.

Bruce Erickson, Anne Laurent, Polly Samuels McLean,

WORK SESSION ITEMS

Land Management Code discussion of potential amendments to Chapter 5 – Architectural Review, Section 15-5-5(I) Lighting regarding lighting levels and glare, measurement, and light trespass and (M) Landscaping standards, review of existing code language and discussion of process for establishing more definitive landscaping standards.

Community Development Director, Anne Laurent, stated that in an effort to keep the discussions ongoing for LMC amendments, she and Director Erickson would present a plan of the issues and what they plan to bring back. She believed this initial discussion would keep the meetings more efficient when they come back with redlines in a more formal format.

Ms. Laurent stated that Chapter 6 of the LMC has the general structure of what they need, and they want to clarify and bolster it, and take it to the next level of clarification to address the issues they encounter in terms of lighting and landscaping. As they talk about increasing regulation or clarification, she asked the Commissioner to consider the challenges of enforcement.

Ms. Laurent commented on their research and noted that there is a lot of information about dark sky and Best Practices Model Ordinance. She stated that Flagstaff has been working on this since 2001 and they have taken it further than most communities. Ms. Laurent remarked that Flagstaff was not the only community and she was willing to look at others. Director Erickson stated that Flagstaff was one of the only ones they found with an approximate observatory. Ms. Laurent remarked that even though they would not get into how to measure things and what levels this evening, whatever recommendations they come back with will be based on research and best practices from these industries.

Ms. Laurent identified the lighting issues as glare and trespass, shielding of the lights on steep slopes, types of lighting that are not currently addressed in the Code, the temperature of those lights, and whether or not they were over-lighting.

Ms. Laurent asked the Commissioners for their thoughts on other issues. Commissioner Phillips added Christmas lights that are used to light an entire house and yard outside of

the holiday season.

Commissioner Campbell asked if they were looking at making this retroactive, or only for new building. Ms. Laurent stated that initially they were only going to propose it for new buildings, major additions and modifications; and they would have to define minor addition.

She noted that there are some recommendations such as not influencing 25% or more of change in the current lighting. A change beyond 25% would require complete compliance.

Change of use could also trigger coming into compliance with lighting. Commissioner Campbell clarified that he asked the question because if they only apply it to new buildings it would be less effective. If they really want to make an impact it should be broader so they could go after the abusers who have done it for years. Ms. Laurent believed they could be retroactive on the issue of trespass if lighting trespasses on a neighbor's property based on the current Code. If there is a systemic problem and everyone does it, that would be a larger discussion.

Assistant City Attorney McLean stated that she had not looked specifically into lighting, and thought it could fall under a non-conforming use situation. Commissioner Campbell was willing to spend as much time as necessary. Most of Park City is built out and it is important to capture what already exists.

Ms. Laurent thought it would be helpful to identify some of the main things that cause the problem. She believed that flood lights directed off the property were a big problem. Ms. Laurent stated that even though Park City is close to being built out, people continually upgrade their landscaping and exterior, and there were many opportunities to incorporate the lighting standards into exterior upgrades. Commissioner Campbell pointed out that most upgrades are done without permits and the City never knows about it. Ms. Laurent agreed that a lot of things never get permitted and they never know unless someone complains.

Commissioner Suesser asked about the impact of interior lighting on the surrounding areas. Ms. Laurent stated that for the purposes of the Lighting Chapter, it would fall under glare and trespass. She noted that Director Erickson has looked at that issue in terms of compatibility and window sizes and reducing large expanses of glass.

Commissioner Joyce stated that this is a Park City issue and it should expand beyond the Historic District. Director Erickson replied that it would apply community wide. The standards would closely align with Summit County's Night Sky ordinance in the Snyderville Basin. The intent is to regulate to the greatest degree possible given the powers they have; and to the greatest extent possible achieve the City's energy goals. Ms. Laurent commented on mechanisms such as time limits for outdoor lighting and restrictions on motion sensors as well. All the mechanisms combined could help address anything that causes a nuisance to the neighborhood or a neighborhood.

Commissioner Thimm thought the City should take a leadership role in terms of street lights and other City lighting. Director Erickson stated that the City recently changed the street lights to LED. They were also doing a color temperature shift on the Deer Valley lights because they were too blue, meaning they were too cold. Ms. Laurent stated that LED lights should be less than 3,000 because it is a warmer light. She noted that the American Medical Association put out a position on the detriments of a very blue light.

Commissioner Thimm thought they needed to address exceptions for safety, vandalism and other reasons. It is important to have some flexibility to keep the community safe.

Director Erickson had received a letter from Noah Levine that he provided to the Commissioner as public comment. The summary of his comments related to the field lighting, particularly at Quinn's Junction. Director Erickson informed the Planning Commission that Recreation was coming forward with a master plan to double the field lights. He pointed out that sports field lighting is an issue.

Ms. Laurent stated that one strategy that has been used in lighting ordinance is to identify special uses such as service stations, outdoor recreational facilities, street lighting and parking garages; as well as commercial egress and signage for retail. Each of those are identified separately with the issues, and some have different regulations around unique situations.

Ms. Laurent noted that one challenge is to establish glare thresholds and if there is a problem the City could require the owner to change the light. She pointed out that there are different indexes by which to establish thresholds. The City already requires shielding, but they could go further and make the shield requirements stronger. Ms. Laurent stated because Enforcement works during the day they would have to establish night patrols to drive around and measure glare. Commissioner Thimm explained how lighting and glare is measured. Director Erickson commented on the need to have the regulations in place and useful for the professionals as quickly as possible because the biggest lighting impacts will occur with development at Bonanza Park and the redevelopment of Park City Mountain Resort. Ms. Laurent stated that a lighting plan would be submitted at the time of plan review and the City could take some measurements once it is installed before they sign off on the certificate of occupancy.

Commissioner Joyce was unsure of the level of initiative. He thought one should be to eliminate the obnoxious lighting, and the other is to be serious about dark sky. Director Erickson believed it was three levels; 1) eliminating the nuisances; 2) be prepared for new development to avoid making the problem worse; 3) to be serious about night sky.

Those were the three criteria that he and Ms. Laurent were working through. Ms. Laurent did not believe nuisance would be difficult because it can be addressed with

shielding, wattage, changing the type of light, etc. Commissioner Campbell remarked that the difficulty was not in fixing the nuisance, but it is difficult for the City to enforce. Ms. Laurent replied that enforcement would not be difficult if the City gets a complaint. It would be difficult if they created the perception that the City would proactively do sweeps at night to find the violations. She clarified that currently all Code enforcement is complaint based.

Commissioner Joyce suggested that a non-profit group could spread the word about responsibility so it would come from someone other than City Hall coming out as enforcement. It could be the Park City Dark Sky Initiative. Ms. Laurent stated that in terms of energy conservation, they could create an expectation that all excess lights should be turned off by 10:00. Commissioner Joyce clarified that his intent is to find a way to get people excited and motivated to do it versus feeling like they are forced to.

Commissioner Thimm noted that there was talk about hiring a landscape architect, and he asked about the possibility of hiring a lighting consultant to help them establish reasonable standards. Ms. Laurent thought it was a possibility. However, unlike landscaping which is regional, lighting did not need to be specifically adapted to park City. There is a significant amount of information available to address lighting issues.

Director Erickson stated that the list of items and he and Ms. Laurent had outlined, combined with the items the Commissioners added, represent the architecture of Code changes they would be bringing forward.

Director Erickson noted that architectural lighting is prohibited by Code, but it still occurs. Architectural lighting are lights that highlight a special feature on the exterior of the building. Commissioner Phillips felt that architecture itself is going in a direction that lends itself to wanting to show off the buildings at night. He favored limitations and restrictions for new development. Commissioner Suesser commented on the bright lighting and the amount of glass on the new Hyatt on SR224. Chair Strachan pointed out that Summit County had a night sky ordinance in place when the Hyatt was approved.

Ms. Laurent stated that night sky is a concept but there are different theories for how it gets applied. One way to apply it is to create lighting zones and lighting thresholds for those zones. A retail section would be different than a residential area. Ms. Laurent remarked that the dark sky can be met by keeping lighting on site and not having up lighting. However, it would not address glare.

Director Erickson recalled public input several months ago about the bright lights at Prospector primarily due to the new Park City Lodging building. Director Erickson read current language from the Code, "Illumination of new building features for architectural

enhancement is prohibited". That is a clear message but is it not being enforced by the Planning Department.

Ms. Laurent understood that they could not make it perfect, but they would try to make progress to address existing issues and to keep things from getting worse in the future.

She asked if the Commissioners were interested in seeing redlines based on that concept.

Commissioner Joyce wanted to see redlines, but he also wanted to see a plan for how it gets communicated to the architects and builders. Director Erickson stated that there have been discussions about using consulting funds for a PR campaign for a number of issues to get the information communicated. Ms. Laurent noted that they have been working with Linda Jager and she has good ideas on how to spread the word through social media. Ms. Laurent believed lighting was a good place to start because they will get the word out that it will be a required submittal and applications would not be reviewed without it. The challenge will be to convince people that they are serious about it.

Commissioner Thimm suggested that they should think about lighting in conjunction with signage.

Commissioner Campbell stated that if lighting sketches are required as part of the submittal, he wanted to know whether the Building Department or the Planning Department would enforce it and when it would be enforced. Director Erickson replied that the Planning Department would do the review and the enforcement would be Code Enforcement. Commissioner Campbell pointed out that people change exterior lights all the time. He personally has never had anyone ask him to turn on the exterior lights at a final CO inspection. Until they add that step they were wasting their time. Ms. Laurent stated that it was easier on commercial projects than residential because the engineer can sign off on the lighting. For residential, people do not want to engage in design professionals who can certify that something meets a certain Code. They cannot do perfect regulation but they could talk about how to do better regulation.

Commissioner Joyce noted that Ms. Laurent had used Flagstaff as an example, and he wanted to know how they make it work, or if it was working. Ms. Laurent stated that many communities treat lighting the same as noise ordinances, where they equip their police officers with the ability to measure sound and light. She stated that Park City would have to put Code enforcement on evening hours to address complaints. They would have to go out with a light meter, take readings and issue citations. The owner would have to demonstrate that it was compliant and they would have to go back and do another reading. Commissioner Campbell asked if enforcement would always be complaint driven? Ms. Laurent replied that the City is not staffed to be anything other than complaint driven.

Commissioner Suesser asked if thresholds were currently set. Ms. Laurent replied that thresholds were set for wattage of certain types of light. Currently there were no thresholds for glare. Director Erickson pointed out that some things are already in the Code, which is why he and Ms. Laurent were motivated to get this done quickly. It was different than a completely new set of Code revisions. They need to start enforcing what already exists.

Ms. Laurent explained that glare is unique because it is not just lumens. It is actually a function of the contrast between the light source and its surrounding area.

Ms. Laurent noted that the Planning Commission meetings were booked through the end of the year and it would be difficult to find time on an agenda to add the lighting amendments.

Commissioner Joyce recalled that in the past they have cancelled meetings due to Sundance for various reasons. He understood that the Commissioners could meet as long as they could find space within the City limits but away from the activity of Sundance. Commissioner Phillips agreed that it was important to meet when they have the opportunity to keep things moving forward. Director Erickson was not opposed to having an off-site meeting during Sundance. He also suggested the possibility of daytime meetings if the Commissioners could attend. There are five Wednesdays in November and they will discuss at the next meeting whether a second meeting is needed in November. If so, they could meet on the fifth Wednesday. Ms. Laurent thought they should plan to meet in January.

Ms. Laurent introduced the topic of landscaping and process. She noted that the City has hired a consultant to help with the Forestry Plan, and they would like to extend that into the standards and what they want to achieve.

Director Erickson stated that there is a xeriscape standard in the LMC and that standard is plant based. The general application of gravel is not considered xeriscaping. He explained that they were proposing to adopt an urban forestry plan, which regulates the rights-of-way and public lands. The intent is to hire the landscape architect consultant to bring that to fruition. Secondly, the landscape architect would specify drought tolerant plants, vet the current plant lists, and avoid the situations that have occurred on other projects where the plant materials were inappropriate for the location. Director Erickson stated that the global objective is to allow development to occur with minimum disruption to the natural setting.

Ms. Laurent stated that there are conscientious homeowners who are trying to do xeriscape or reduce their landscaping. The problem is that the landscaper has an idea of xeriscape and what materials they have in stock. The purpose is to create what

xeriscape is for Park City. They want to be careful about keeping it regional, and there are concerns about an appropriate look and feel for Park City from a landscape perspective. However, they also want to be practical and sustainable. Ms. Laurent remarked that they were proposing a process that would include outreach and input before they come back with recommendations. The goal would be to have something in place before the construction season next Spring.

Commissioner Joyce reiterated his previous comment about roll out and communicating with the people involved. If they are working on a plant list they would like for next year, he suggested that they talk with the nurseries because they will be putting in their orders very soon. Even if they do not have an exact list, it would be helpful to give the nurseries a heads-up on what to expect.

Director Erickson stated that a main point for selecting the landscape architect they did was that she is familiar with nursery plants and understands the variabilities in the species. He agreed that proper plant material selection is important and coordinating with the nursery suppliers was a good point.

Ms. Laurent commented on the re-seeding that private entities have to do because they did work in the right-of-way. She noted that they work with a nursey that helps them find appropriate substitutes when certain materials are not available. She advocated for having flexibility in the Code and a mechanism for approving a substitution if a specific material is not available.

Ms. Laurent asked if the Commissioners had other items to add to the list as they move forward with landscaping related to vegetation and ground covers. Commissioner Joyce asked about irrigation. Director Erickson replied that there is a standard currently in the Code that addresses the area of a lawn that can be irrigated, but it is not enforced. Commissioner Joyce thought irrigation could also address the issue of spray versus drip.

Chair Strachan called for public comment. There were no comments.

Ms. Laurent stated that they would use this same format for transportation and energy at a future date.

Commissioner Preston asked if there was consensus among the Commissioners to schedule additional meetings. Chair Strachan was not opposed to additional meetings if they could be scheduled.

Commissioner Phillips had one additional item to add to the list which was looking at areas where they could restrict how much grade could be altered. It is already

addressed in Old Town but there may be other areas where it would be appropriate.

The Work Session was adjourned.