IVINS CITY
JOINT SPECIAL WORK MEETING
MINUTES
March 3, 2020
435-628-0606

1) DISCUSSION OF THE OUTDOOR LIGHTING ORDINANCE

CHAIRMAN AND COMMISSIONERS: The meeting was called to order at 4:30 p.m. All present included Mayor Hart, Councilmember Miriah Elliott, Councilmember Sue Gordhammer, Councilmember Jenny Johnson, Councilmember Cheyne McDonald, Councilmember Dennis Mehr, Chairman Bryan Pack, Commissioner Lance Anderson, and Commissioner Bob Morris.
Staff Attending: Dale Coulam-City Manager/Attorney, Mike Rodriguez-Building and Zoning Administrator and Sharon Allen, Deputy City Recorder.
Audience Attending: Chris Haddad, Randy Johnson, Lynnette Miller, Rich Svien, Flint Decker, Claudette Larsen, Adele and Steve Greenleaf, Cameron Kelsch, Jacque Ahey, Heidi Neel, Brian and Leslie Hill, Ronda and Michael Bonneau, Myrna Craig, Kathy Barth, Carol Hergert, Creed Jones, Leed Barlow, CJ Coharcheck, Delores Osborn, Mike Scott, Patty Dupre, Marcia Delucchi, Paul and Gery Bryson, Martel and Jane Jensen, Justin Aucoin, Robin Valline, as well as others that did not sign in.

Mayor Hart stated that Ivins City has a number of current ordinances relating to lighting that are interspersed through our zoning and development ordinances. The Planning Commission with Dale Coulam's help are consolidated into a document that will eventually come to the City Council as a recommended ordinance. The night sky is not a new concept it is one of five most cherished assets of this City for the twenty years that he has been here. Many Councils before have reinforced the preservation of the night sky. However, our primary responsibility of the City Council is to ensure the safety of our residents. We seem to have accidentally or without full understanding come to a juncture where those two are competing. The last time that the City Council addressed this, there were a number of elements presented of a revised plan, and he thinks that got interpreted to mean that was what the Council was going to do, and there was a lot of resistance to that. The ordinance was given back to the Planning Commission and bring back a recommendation to the City Council with specific instructions and one was that we were not pursuing International Dark Sky designation. We were surprisingly close to having that designation, and it is one of those things where it would have been nice, but remains to be seen as the ordinance develops. It strikes me that as we won the award for the safest City in the state, that the ordinances that we have provided a reasonably safe environment. We don't need to turn the City into an LED wonderworld and preserve what we have. We have areas of the City represented here by the residents of Kayenta that have very little in the way of lighting and maintain a pretty safe community out there. We need to be careful how we look at this and be respectful of the General Plan and the statements that continue to be part of that plan. That is one of the things we are trying to maintain. The discussion is not to center around these issues and would like to have Dale Coulam on hand and thank the Planning Commission what you are going to do but bring your recommendations forward but it would be helpful to you to see where the Council is coming from. He received an email that was like many he has received. It suggested that the City Council is trying to drastically alter the current ordinance and adding a

number of requirements and stipulations that would be reminiscent of items listed in the initiative. In an attempt to be helpful like other ordinances around the country have achieved dark sky designation. We have Mike Scott and Patty Dupre here and they have been instrumental in launching the dark sky initiative in Ivins and if we have any questions about that, they can answer to those. When this was an agenda item last City Council meeting, we walked out with a misunderstanding of what was actually going to be required to obtain that designation. In discussions since, it has become apparent to him that there was very little required to reach that, but maybe still too much. **Commissioner Bob Morris** stated that he sent a letter to the Planning Commission about five things that are a concern about an overreach into private property rights. Others are parts of the existing ordinance which are being ignored and with the new technology available we have way too high of allowable lumens. Things have changed to where we need an electrical engineer who specializes in lighting to refine our high limits, because it is way too high. His biggest concern is as a property owner his number one objective and fourth on our ordinance's list is safety. Second is natural beauty and night sky and that is the way the ordinance is written, but safety should be number one. He is a California immigrant who has lived here 25 years, but he has seen how quickly a neighborhood can collapse into an unsafe place to be. Within the last two years, he has had his tires slashed here. Whenever we have ordinance specify a brand name, as is the case of the filter we specify, you are eliminating competition and he promises you will pay more because of that. Photometrics are huge and he doesn't know that they are understood because when he drives down the parkways he sees these bollards that blow light out all around them but they are meant to light a path. Photometrics is the concept that you put the light where you want it. Our existing ordinances do not allow for light pollution to leave someone's property. If you can't keep the light on your property, you are out of compliance. He is in agreement with that. If you look at the start-gazing calendar we are limited on the amount of nights we can even see the sky. The concern is that we need to tweak in some respects, but with LED cut-off capability, his home would look horrible if he put an orange light on it. His home is his biggest investment and he would love to light it up so it looks beautiful at night. With this existing ordinance, he could not do that. He would be out of compliance. His would need to be 3800 to 4000 kelvin. That would enhance the color he has chosen for his house. An amber light would make it yellow and drab. These are some of his concerns. His approach is that residential property should be exempt from CCT, color-correlated temperatures. That is overreach. We are telling people what color to paint their house. HOA's can do that but if the City tells me what color to paint my house and that is governmental overreach. Many people move to Ivins because they do not have an HOA. That is governmental overreach is his opinion. Alter the language and eliminate the ordinance requiring amber filters. Any lighting engineer in the country will tell you it needs to safely be 4000 kelvin. Dixie State University is 5000 kelvin and it hurts your eyes. They took it into the classroom. Exempt residential properties. We already have the current ordinance against light pollution if they are lighting up the neighbors yard. The number of nights and the hours that we can even look at stars do not justify this radical of an approach to compromise our safety. **Councilmember Sue Gordhammer** stated that she wants clarification. She understood the motion to be that Councilmember Ron Densley moved to move forward with the items that are not covered by the lighting ordinance, signs and other things. That they be addressed at a Public Hearing to adapt to the zoning requirements. That we adjust those and not pursue the IDA. That was seconded by Councilmember Cheyne McDonald. Does that mean electronic message boards, canopy lighting, drive-up window lighting canopy and outdoor amphitheater lighting are the areas that are not addressed that Council asked the Planning

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Commission to address? **Dale Coulam** stated those were enumerated in the verbatim Council meeting minutes and yes it addresses those four items. As you go through this consolidated ordinance, which is now Chapter 23, there were three different sources. One was the original ordinance passed a decade ago, there was an amendment to that recently as far as color and brightness and there is the portion that is found in the Zoning Ordinance. As a result of the consolidation couple areas got broken out into separate section numbers. As we look at the laundry list of regulations that were contained in that old ordinance, we may want to have separate sections, but the only change made to the existing ordinance during consolidation was because the Planning Commission was starting to address those four issues. He made a suggestion on the definition of electronic message boards in that section and use the term as its defined, then list it in the prohibitions. Planning Commission has it as a consolidation for their review. Whether you are for or against the Night Sky Initiative, our existing ordinance is actually pretty restrictive and is close to achieving dark sky designation as it is. Our current ordinance needs to be tweaked because it references old types of lighting and these are the specified areas that need to be addressed. As we go through it we may see others. **Councilmember Sue Gordhammer** stated that it seems to her that the intent of the motion and the fact that there was an update to the ordinance recently by City Council that the intent was not to pursue designation at this time, but rather to ensure there is control over message boards and consolidation into one ordinance as opposed to revisiting everything in the ordinance. **Dale Coulam** stated yes it was not to pursue dark sky designation at the time and as we go through this update we may find out it is very close. There is some advantage to going through this process, tweaking this ordinance and consolidating it. The glaring omission was electronic message boards. As an example, Mountain America by Harmons has one that is bright, has movement and is distracting. If we don't want that in Ivins City, then tweaking this quickly is advantageous to prohibit those. While we are updating we could consider how close we are to designation. But that is after the fact. This is a legislative decision and he has drafted everything he can to help and that is where it stands now. **Councilmember Sue Gordhammer** stated that we have a gap and that is electronic message boards. She would love to see them prohibited. **Mayor Hart** stated that part of the confusion that has ensued is that we don't specifically have a lighting ordinance. This is the best opportunity we have to put into effect a consolidated ordinance, whether tweaked or not, to bring all the elements of references to lighting into a single chapter that can be referred to. City Council did not specify that in their motion. Nonetheless when it goes to Planning Commission to review and recommendation of potential amendments, it could be suggested coming back to the Council and we can discuss it then. In simplest terms, the preservation of the night sky depends primarily on light being focused down. The intensity of it is debatable. We are currently at 2700 kelvin. Light begins at 3000 and there are those that think we went too far because IDA in fact allows 3000. Those type of things can be looked at. When Rocky Vista University put in their parking lot lighting at 4000 kelvin, he got more letters of objection and emails on the offense of that commercial parking lot and thanks to the Dark Sky Initiative who took it upon themselves and financed the conversion, he conversely got emails thanking the City for making that change. They have a very sophisticated security team who have determined the safety of that parking lot was not compromised. We have spent considerable hours trying to figure out how to maintain the ambiance of the high-pressure sodium lighting that has been historically throughout the City. How it translates into residential is for you to discuss and make a recommendation. We have a sensitive lands ordinance that protects slopes and so forth, The City does have a right to define what their vision for themselves is and there is no question that respect for the night sky

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has been a part of that vision for as long as he has lived here. He doesn't want to get confused by a difference in how far government can reach and where the line is into private property rights, because that is a century-old debate. We need to focus on what the amendments to the current ordinance should be and how far you go with it is up to the Planning Commission. City Council is not sitting here to say this is what we want you to do. Canopy lights are forced to be recessed in and will be shielded and down-turned, and we really need trail lighting on the trail. **Commissioner Lance Anderson** stated that 2004 is when Carol Tenczar started the night sky ordinance in Ivins and we sat in hours of meetings talking about street lighting and it has been part of the community for as long as he has been here. We all have different perspectives and he thinks his house looks nicer with low reflective lighting on it. Santa Clara has too much light and you get a glare when you drive through there. Ivins is more of a park-like setting and ordinances are centered around that and keeping it natural. We worry about the volcanic rock and the slopes and lighting is a big issue. He has night sky more than 15 nights, every night even when the moon is out. It isn't dark enough around your house to see it. Ivins has been very consistent in those areas and trying to protect it. **Mayor Hart** stated that even when people feel we have gone too far, still express the desire to maintain the night sky. There is a general appreciation for that. For the record, Chief Bob Flowers sent in his perspective. We are interested in making sure that whatever we do we maintain a safe environment for our residents. He knows what he prefers, but law enforcement's outlook trumps his opinion. He wishes they could have attended the work meeting. **Councilmember Dennis Mehr** stated that he is grateful to talk through this as was his directive to tweak the ordinance and cover the gaps that we have, but not pursue the night sky designation. He has gotten flack for that and people thought it was a change of position but he tried to explain and clarify that we were at a point where we were mandating people to change out exterior fixtures on their homes at their expense and it seemed to be part of the designation. He was not comfortable with that. The good news to new residents that maybe haven't been here is that this is something we have been working on for a long time. The City has always been very proactive and has done a good job. The ordinances are restrictive. He certainly doesn't want to live next to the auto mall that we see in St George as an extreme example. The ordinance we have and have worked to amend, he has been part of and voted on. New construction being built and the people buying them know what they are purchasing and getting into. We have done a good job of protecting for the future, so just tweak what we need to, and consolidate it so it is easily understood. He wants to acknowledge the good work that has happened and City Council needs to be mindful of who we represent and need to not take it too far. We love the night sky and want to do the right thing but not go too far. **Mayor Hart** stated that line is defined by safety. We want to preserve the night sky without going past the safety boundary. **Chairman Bryan Pack** stated we have had this ordinance in place, 13 years and it has worked relatively well, with not much complaint on either side, safety or night sky. He does not see a need to go in and drastically change things. Regarding message boards he has not heard much dissension at all, and the other points are mostly already covered or may not be an issue with regard to the amphitheater. He is not hearing much difference of opinion on those issues. Commissioner Bob Morris has raised some valid points and he will address those more fully in Planning Commission. That won't hold us up on this ordinance, which is the same ordinance we have had for 13 years with minor tweaks and he would like to move that initial ordinance forward fairly quickly and maybe update standards based on new technology, and that won't take too long. Then address what Commissioner Bob Morris has been talking about and maybe talk more about kelvins and that discussion can happen in the future on some of that

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regulation. **Councilmember Miriah Elliott** stated that she thinks that there are different sides to this, but there are reasonable ways to move forward that the majority of our community would agree with and be excited about. Emails she has been getting from folks regarding the night sky and the designation specifically is that there is a lot of misconceptions. One of the most important dividing lines is new development versus existing development and new street lighting standards versus existing lighting standards. Nothing we are proposing, or the dark sky initiative was proposing was to change any existing residential lighting. City Council would not support anything that would require anyone to change. **Mayor Hart** stated that is clearly understood by both bodies. Commissioner Bob Morris stated if you went and got a new set of lights and you got the 4000 rendering, you would be against ordinance. To meet our criteria and replace an existing light, people would have to buy more expensive lighting and you would be altering your landscape. It would be impossible not to. **Dale Coulam** asked to clarify a 10-year retro-fit requirement for existing residential. **Councilmember Sue Gordhammer** stated that was waived. **Councilmember Miriah Elliott** stated that was for the City lights. **Dale Coulam** stated there was also a potential requirement for existing residences to comply within 10 years. Mike Scott stated that the international dark sky association had one requirement where all existing lighting would have to comply within 10 years and our list of recommendations in our report stated that was not appropriate. We don't believe that is a legitimate request and we recommended ignoring that. We were grandfathered under the 2015 requirements and it did not have that 10-year requirement. Our belief was that we were grandfathering all existing lighting and any replacements, and the current ordinance should be written that way. **Councilmember Miriah Elliott** stated people thought we were changing what they have now. None of us would agree with that. Same with the street lighting. We were not asking to have the whole City changed to look like one part of the City. We have a rural cross-section that has different street lighting standards and we are pretty close to the street lighting standards. She hears people's concerns and wants them to be addressed and wants to make sure they know what we are actually considering and talking about. **Mayor Hart** stated that he was a promoter of the International Dark Sky that would be a nice feather in our cap when it came to resort development, but if it was attainable without going to an extreme then great but that was not the objective. We are in agreement that what exists in the City would be allowed to exist and consider it grandfathered. **Councilmember Sue Gordhammer** stated the misconceptions need to be cleared up and her objective is to ensure that when we say protect the night sky we mean protect the level that we have currently and it has been important for our community. People have told her they moved here because they like looking at the night sky and value that and we owe our public the protection they have been afforded up to this point. Mike Scott stated that he just put in his memo what other communities have done for others to look at and a starting point to decide what you want to do. **Mayor Hart** stated canopy lighting is similar to street lighting where it is an extremely bright light below surface and radiating laterally. We don't currently have the requirement that it be embedded into the canopy. **Dale Coulam** stated he would have to look at it. Canopy lighting was addressed in the zoning ordinance and is now before the Planning Commission in a consolidated form to possibly update and tweak. **Mayor Hart** stated that he would hope that the Planning Commission would look into that. Reader boards are a potential issue. Regarding outdoor amphitheater lighting, Tuacahn had a pretty broad conditional use. **Dale Coulam** Tuacahn and the use of their lighting for their shows may be already approved by their very broad conditional use allowed for them at that time. It was for anything related to putting on those show. If we do any language on amphitheater lighting, it would be going

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forward on any new amphitheater. **Mayor Hart** stated that lastly, tower lighting has not been an issue here but that is something that could be looked at while going through this.

2) ADJOURNMENT

MOTION: Councilmember Dennis Mehr moved to approve ADJOURNMENT

SECOND: Councilmember Miriah Elliott

VOTE: The motion carried.

Mayor Hart	AYE
Councilmember Miriah Elliott	AYE
Councilmember Sue Gordhammer	AYE
Councilmember Jenny Johnson	AYE
Councilmember Cheyne McDonald	AYE
Councilmember Dennis Mehr	AYE
Chairman Bryan Pack	AYE
Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE

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