



AMENDED AGENDA
for the Planning Commission
of the Town of Palisade, Colorado
341 W. 7th Street (Palisade Civic Center)

August 2, 2022

6:00 pm Regular Meeting

<https://us06web.zoom.us/j/3320075780>

Meeting ID: 332 007 5780

- I. **REGULAR MEETING CALLED TO ORDER AT 6:00 pm**
 - II. **PLEDGE OF ALLEGIANCE**
 - III. **ROLL CALL**
 - IV. **AGENDA ADOPTION**
 - V. **ANNOUNCEMENTS / PRESENTATIONS**
 - A. **CERTIFICATE OF APPRECIATION:** Presented in absentia to Commissioner Andy Hamilton for his service to the Planning Commission.
 - B. **PLANNING COMMISSION OPENING:** The Palisade Planning Commission has one vacancy, with a term that expires February 2023. Applications to fill that vacancy are being accepted until August 31, 2022. Please email a letter of interest to brusche@townofpalisade.org
 - C. **PUBLIC COMMENT REMINDER:**
All emails are to be sent to the Community Development Director at brusche@townofpalisade.org. Emails for public comment on a specific agenda item received prior to the day packets are published will be included with the staff report. Emails received after the packets are posted will be forwarded to the Planning Commission. Any member of the public who wishes to have a statement or email read into the Minutes is required to appear in-person at the meeting and make said statements to the Commission directly.
- SAVE THE DATE: PALISADE PEACH FESTIVAL IS NEXT WEEK – AUGUST 11-13***
- <https://palisadecoc.com/events/palisadepeachfest/>*
- VI. **APPROVAL OF MINUTES**
 - A. **Minutes from July 19, 2022, Regular Planning Commission Meeting**
 - VII. **APPOINTING PLANNING COMMISSION CHAIR / VICE CHAIR**
 1. *The Chair will call for nominations for the position of Chair, which must be accepted by person being nominated.*
 2. *The Commissioners will vote using ballots, with the results tallied by staff.*
 3. *Upon completion of the tally, the Chair shall call for a motion, with a second and a roll call vote, to appoint the person with the most votes as Chair.*
 4. *The process will be repeated for the appointment of a Vice-Chair.*

VIII. PUBLIC COMMENT – For items not on the Public Hearing agenda

Please keep comments to 3 minutes or less and state your name and address. Neither the Planning Commissioners nor staff will respond to comments at this time. The Commission may direct staff to look into specific comments to bring back as an Agenda item at a future meeting.

IX. PUBLIC HEARING

The following items will be presented before the Planning Commission of the Town of Palisade for their consideration. The Planning Commission will formulate a recommendation, which will be forwarded to the Board of Trustees of the Town of Palisade. For those items for which the Planning Commission retains Decision Maker status, they will weigh the options and cast a vote.

A. PRO 2022-11 – OUTDOOR LIGHTING TEXT AMENDMENT

The Planning Commission will consider a text amendments to Section 10.05 – Outdoor Lighting.

The Planning Commission shall review the application and forward its recommendation to the Board of Trustees for consideration.

1. Staff Presentation
2. Public Comment (*Please limit comments to **three (3) minutes**, state your name and address*)
3. Commission Discussion
4. Decision (*motion, second, roll call vote*)

X. UPDATE ON THE PALISADE GAME PLAN

www.PalisadeGamePlan.com

XI. ADJOURNMENT



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE PLANNING COMMISSION
July 19, 2022**

The regular meeting of the Planning Commission for the Town of Palisade was called to order at 6:00 pm by Chair Riley Parker with Commissioners present: Leora Ruzin, Penny Prinster, Amy Gekas, David Hull and Don Bosch. Commissioner Andy Hamilton was absent. A quorum was declared. Also in attendance were Community Development Director Brian Rusche and Administrative Assistant Shelley Kopasz.

AGENDA ADOPTION

Motion #1 by Commissioner Prinster, seconded by Commissioner Bosch to approve the agenda as presented.

A voice vote was requested
Motion carried unanimously

APPOINTING PLANNING COMMISSION CHAIR

Commissioner Prinster raised a motion for Chairman Riley Parker to remain Chairman of the Planning Commission. It was seconded by Commissioner Ruzin. Commissioner Bosch asked to have a stay of the motion and to open the floor for nominations. Commissioner Bosch then raised a motion to nominate David Hull for Chairman stating allowing newer members to take over as Chairperson. David Hull accepted the nomination but noted that not all Commissioners were present. Commissioner Gekas made a motion to table this nomination until a full Board is present. Commissioner Hull seconded the motion. All in favor.

ANNOUNCEMENTS

Mr. Rusche informed the Planning Commission of an upcoming social dinner scheduled for July 26, 2022 for the Board of Trustees, Tourism Advisory Board and the Planning Commission.

APPROVAL OF MINUTES

Motion #2 by Commissioner Prinster, seconded by Commissioner Gekas, to approve the Minutes from the July 5, 2022, Regular meeting of the Palisade Planning Commission, as presented.

A voice vote was requested
Motion carried

PUBLIC COMMENT

None was offered.

UPDATE ON THE PALISADE GAME PLAN/COMPREHENSIVE PLAN UPDATE

Kris Valdez and TJ Dlubac of Community Planning Strategies launched a presentation of the Town of Palisade 2022 Game Plan Chapter 2: Land Use Form and opened it up for comments and feedback from the commissioners.

ADJOURNMENT

Motion #7 to adjourn by Chair Parker at 6:55 p.m.

X

Riley Parker
Planning Commission Chairman

X

Shelley Kopasz
Administrative Assistant

DRAFT

Town of Palisade

Chairperson & Vice Chairperson Appointment for Planning Commissioner

Duties and Responsibilities of a Chair/ Vice Chair:

The chairperson is the presiding officer of an organized group such as a board, committee, or deliberative assembly. The person holding the office, who is typically elected or appointed by members of the group, presides over meetings of the group, and conducts the group's business in an orderly fashion.

In addition to the administrative or executive duties in organizations, the chairperson presides over meetings. Such duties at meetings include:

- Calling the meeting to order
- Determining if a quorum is present
- Announcing the items on the order of business or agenda as they come up
- Recognition of members to have the floor
- Enforcing the rules of the group
- Putting questions (motions) to a vote, which is the usual way of resolving disagreements following discussion of the issues
- Adjourning the meeting

A good chairperson sticks to the agenda, leads rather than attends, is mindful of time, expedites discussion and action, demonstrates respect for the work of the body, and recognizes when to move on. A chairperson will conduct the public hearings and stick to rules of conduct.

The presiding officer is crucial in maintaining order and ensuring participation:

- Is role model.
- Acts affirmatively to control behavior.
- Focuses discussion and keeps everyone on topic/on task.
- Manages time and moves discussion and action along.
- Knows when to suggest the time is right to act.
- Works to ensure collaboration.
- As a participant in meeting rather than as the chair, each member has opportunity to exercise some of the same leadership roles.

PRO 2022-11, TEXT AMENDMENTS TO THE LAND DEVELOPMENT CODE

Section 10.05 – Outdoor Lighting

SUMMARY

Outdoor lighting is necessary to provide safety at night for vehicle circulation, pedestrians, and parking areas. Outdoor lighting, however, can cause light pollution that affects the quality of life and interferes with the ability to see the stars.

The International Dark-Sky Association publishes information on how to provide lighting that meets the following principles:

- Useful – all light should have a clear purpose
- Targeted – light should be directed only to where needed
- Low Light Levels – light should be no brighter than necessary
- Controlled – light should be used only when it is useful
- Color – use warmer color lights where possible

Source: <https://www.darksky.org/our-work/lighting/lighting-principles/>

While there is a process to become recognized as an official “dark sky” community, the goal of this amendment is to incorporate best practices that are consistent with these five principles.

The Palisade Game Plan (2022 Comprehensive Plan Update) has elicited some (anonymous) public comments regarding lighting, such as this:

“We love how dark it is at night here. Being able to see the stars and the Milky Way is something that many may take for granted. Please keep street lighting to a minimum.”

“We chose Palisade because of the small town feel and the surrounding orchards & vineyards, and the calm, quiet vibe mixed with just enough festivals to make tourist season exciting, and because you can see the stars at night.”

The Town has begun working with Xcel Energy, who owns the streetlights, about making them more compatible with dark sky principles.

LAND DEVELOPMENT CODE

The following amendment is proposed to this section, with words changes highlighted in **RED/BOLD TEXT with new additions underlined and removals in strikethrough.**

Section 10.05 Outdoor Lighting

A. Purpose

The purpose of this Section is to ensure that ~~vehicle circulation, pedestrian, parking and other areas have adequate outdoor lighting to provide safety at night, while limiting the negative impacts on adjacent properties.~~

outdoor lighting in the Town meets the following principles identified by the International Dark-Sky Association (IDA):

1. Useful: All light should have a clear purpose;
2. Targeted: Light should be directed only to where needed;
3. Low Light Level: Light should be no brighter than necessary;
4. Controlled: Light should be used only when it is useful;

5. Color: Use warmer color lights where possible;

B. Applicability

1. All new development lighting installed after the adoption of this section shall comply with the standards of this Section.

~~2. Where a building, structure or use existed as of the effective date of this Section and such building is enlarged in gross floor area or impervious area on the site by no more than ten percent (10%) or two thousand (2,000) square feet, whichever is less, outdoor lighting as specified in this Section shall not be required.~~

~~3. 2.~~ The following shall be exempt from the outdoor lighting requirements of this Section:

~~a. Fixtures (luminaries) with a light output of less than one thousand (1,000) lumens.~~

~~b. Public recreational playfield lighting; and~~

~~c. Fixtures with a light output of more than one thousand (1,000) lumens may be allowed with an active or activated motion sensor.~~

a. Illumination of the United States flag, provided that such light does not interfere with the vision of drivers or pedestrians;

b. Lights which are a part of a Town event or public gathering, so long as the event or gathering is of a temporary nature;

c. Holiday lighting;

d. Construction lighting used for the purpose of illuminating construction work activities, provided that the illumination source is directed internally toward the project site and is turned off each night when work is halted.

C. Outdoor Lighting Principles

1. Useful:

a. Outdoor lighting shall primarily be used to provide safety while secondarily accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This may be accomplished through style, material or color.

b. Lighting plan required: To ensure that all new construction complies with the lighting standards, a lighting plan shall be submitted for all new construction in the Town. The lighting plan shall include the following information:

The type and luminous intensity of each light source and wattage;

Fixture location and height above grade of each light fixture;

Shielding and mounting details;

Tear sheets for all lighting fixtures (luminaries) to be installed on site shall be required;

Other information deemed necessary to document compliance with the provisions of the lighting regulations.

2. Targeted:

a. Lighting used to illuminate commercial sites and parking areas shall be arranged, located or screened to direct light or shield the light away from any adjoining or abutting residential premises, district or use.

b. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets or rights-of-way in a manner that may distract or interfere with the vision of drivers on such streets.

c. All lighting, including any exterior floodlights, shall be shielded so that substantially all emitted light falls within the property line of the property from which the light emanates.

3. Low Light Level:

a. The following light fixtures and sources shall not be used within the Town where the direct light emitted is visible from adjacent areas:

Low-pressure sodium and mercury vapor light sources;

Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and

Searchlights and other high-intensity narrow-beam fixtures.

b. Illumination using bare illuminated tubing that completely outline or define property lines, sales areas, roofs, doors, windows or similar areas in a manner that is not primarily for safety purposes is prohibited.

4. Controlled:

a. The use of sensor technologies, timers or other means to limit lighting to periods of activity may be required by the Community Development Director to conserve energy, provide safety and promote compatibility between different land uses.

5. Color:

a. Maximum temperature is 3500 Kelvin (K).

C. Prohibited Light Sources

The following light fixtures and sources shall not be used within the Town where the direct light emitted is visible from adjacent areas:

1. Low pressure sodium and mercury vapor light sources;

2. Cobra head type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and

3. Searchlights and other high intensity narrow beam fixtures.

D. Lighting Design Requirements

~~Outdoor lighting shall primarily be used to provide safety while secondarily accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This may be accomplished through style, material or color.~~

All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

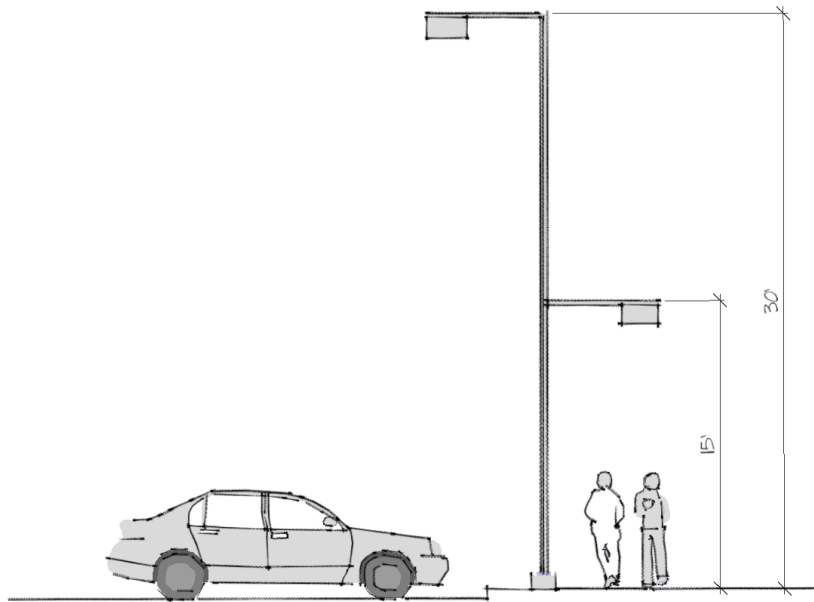
1. Fixture (luminaire)

The light source shall be concealed and shall not be visible from any street rights-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent properties, all lighting fixtures shall be full cutoff fixtures.

2. Fixture height

Lighting fixtures shall be a maximum of ~~thirty (30)~~ **twenty (20)** feet in height within parking areas and shall be a maximum of fifteen (15) feet in height within non-vehicular pedestrian areas. All light fixtures located within fifty (50) feet of any residential use or residential property boundary shall not exceed fifteen (15) feet in height.

Illustration 10-9: Light Fixture Height Standards



3. Light source (lamp)

Only **LED (light emitting diode)**, incandescent, fluorescent, ~~metal-halide~~ or color corrected high-pressure sodium may be used. The same light source type shall be used for the same or similar types of lighting on any one (1) site throughout any development.

4. Mounting

Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

5. ~~Limit lighting to periods of activity~~

~~The use of sensor technologies, timers or other means to activate lighting during times when it will be needed may be required by the Community Development Director to conserve energy, provide safety and promote compatibility between different land uses.~~

E. Specific Standards

1. Security lighting

- a. Building-mounted security light fixtures such as wall packs shall not project above the fascia or roof line of the building and shall be shielded.
- b. Security fixtures shall not face a residential property.

c. Security fixtures shall not be substituted for parking area or walkway lighting and shall be restricted to loading, storage, service and similar locations.

2. Accent lighting

Only lighting used to accent architectural features, landscaping, art or that employs a particular historic and thematic style ~~as preferred by the Comprehensive Plan~~ such as Victorian lamp posts, may be directed upward.

3. Canopy area lighting

All development that incorporates a canopy area over fuel sales, automated teller machines or similar installations shall use a recessed lens cover flush with the bottom surface of the canopy that provides full cutoff or shielded light distribution.

4. ~~Tear sheets required~~

~~Tear sheets for all lighting fixtures (luminaries) to be installed on site shall be required.~~

F. Entrances and Exits in Nonresidential and Multifamily Development

All entrances and exits to buildings used for nonresidential purposes and open to the general public, along with all entrances and exits in multifamily residential buildings, shall be adequately lighted to ensure the safety of persons and the security of the building.

G. Commercial Parking Area Lighting

All commercial parking areas shall be required to provide lighting only during nighttime hours of operation.

H. Excessive Illumination

1. Lighting within any lot that unnecessarily illuminates and interferes with the use or enjoyment of any other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the requirements of this Section or if the standard could reasonably be achieved in a manner that would not interfere with the use or enjoyment of neighboring properties. The violations of any of the regulations contained herein shall be deemed by the Town as a public nuisance, and such nuisances may be abated or prosecuted in accordance with the procedures established within the Palisade Municipal Code.

~~2. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.~~

~~3. All lighting, including any exterior floodlights, shall be shielded so that substantially all emitted light falls within the property line of the property from which the light emanates.~~

~~4. Illumination using bare illuminated tubing or strings of lights that completely outline or define property lines, sales areas, roofs, doors, windows or similar areas in a manner that is not primarily for safety purposes is prohibited, except for temporary holiday displays.~~

~~5. All lighting fixtures used to illuminate an off street parking area shall be arranged so as to direct or shield the light away from any adjoining residential premises.~~

~~6. Lighting used to illuminate commercial sites and parking areas shall be arranged, located or screened to direct light away from any adjoining or abutting residential district or use or any street rights-of-way.~~

Section 10.01 Off-Street Parking and Loading Requirements

D. Design Standards

5. Lighting

Where off-street facilities are provided for parking or any other vehicular use, adequate outdoor lighting shall be provided. Lighting shall be so arranged as to direct the light and glare away from streets and adjacent property (~~see consistent with the requirements of Section 10.05, Outdoor lighting~~).

Section 9.05 Utilities

D. Street Lighting

The subdivider shall be responsible for the installation and cost of street lighting in all subdivisions in accordance with the requirements of this Section.

1. Prior to installation of street lighting, a street lighting design plan shall be approved by the Community Development Director, including determination of the location and number of street lights. Streetlights shall be located so as to be of general benefit to the surrounding neighborhood. The developer shall be required to provide and install ~~ornamental metal standard and high pressure sodium vapor lamps~~ light poles where determined on the approved street lighting design plan on public streets in subdivisions within the Town limits.

2. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased and the requirements of Section 10.05.

Section 4.01.E., Text Amendment Approval Criteria

In evaluating any proposed amendment of the text of the Land Development Code, the following shall be considered:

1. The extent to which the proposed text amendment is consistent with the remainder of the LDC, including, specifically, any purpose and intent statements;

The proposed text amendment is consistent with the remainder of the LDC, specifically the section on parking and street lights in subdivisions.

2. The amendment must not adversely affect the public health, safety or general welfare;

The proposed text amendment seeks to improve the public health, safety or general welfare by reducing light pollution.

3. The amendment is necessary because of changed or changing social values, new planning concepts or other social or economic conditions in the areas affected;

Dark-sky interest has grown within Palisade and has become an important value for those who reside here.

4. The proposed text amendment revises the LDC to comply with state or federal statutes or case law; or

The proposed text amendment does not go against any state or federal statutes or case law.

5. The proposed text is found to be consistent with the Town's adopted comprehensive plan.

The feedback on the Comprehensive Plan update indicates support for dark-sky compliant lighting.

RECOMMENDATION

Staff is asking the Planning Commission to review the proposed text amendment to the LDC and make a recommendation, based on the above approval criteria, to the Board of Trustees. The Commission may revise or amend the proposed changes for consideration by the Board of Trustees, who will conduct a public hearing at a time to be scheduled.