



TO: Mountain Village Town Council

FROM: John Miller, Senior Planner

FOR: May 16, 2019

DATE: May 6, 2019

RE: First reading of an Ordinance amending the Community Development Code at Sections 17.5.12: Lighting Regulations and 17.5.15: Commercial, Ground Level and Plaza Area Design Regulations, and Chapter 17.8: Definitions to clarify existing lighting requirements and provide additional lighting guidelines for residential exterior lighting.

Exhibits.

- A. *Acceptable Fixture Types*
- B. *The Dark Sky Concept Narrative – TMV Staff*
- C. *Cost analysis of Programable Light Switch Timers*

PART I. Introduction and Background

Mountain Village currently has existing outdoor lighting regulations, but this discussion relates to the effectiveness of the existing provisions given the ever-changing nature of light fixture design as well as the overall needs of residents looking to enjoy their outdoor living spaces. The purpose of this agenda item is to propose possible amendments to the Community Development Code (CDC) regarding exterior residential lighting in Mountain Village. The initial goal of this project was to allow for better illumination of outdoor living spaces given the increasing desire of residents and guests to spend time in those spaces – especially during summer months. In order to reduce existing lighting restrictions in those areas adjacent to the home, staff and the Design Review Board (DRB) felt that it was important to better align our current code with lighting industry standards for exterior lighting and specific measures to prevent off-site impacts. This would allow residents to spend more time in their outdoor living spaces by allowing a broader use of exterior lighting while also quantifying appropriate lighting levels as to prevent any off-site impacts to neighbors.

Town Staff held work sessions with both the DRB and Town Council regarding the proposed amendments and has received specific feedback from both bodies. These recommendations are reflected in the proposed amendment presented within this report. Specific direction was given to Staff to research potential for streamlining requirements for lighting rather than creating additional requirements which could increase the cost of

development within the village – particularly for affordable housing and topographically constrained lots. To accomplish this, staff has worked to provide a prescriptive process that outlines allowable lighting fixtures while limiting some requirements for certain projects that do not reach the threshold of what staff would consider a substantial development. In addition, staff was directed to provide a general cost analysis of typical timer systems used to restrict outdoor lighting systems which has been attached to this memo. Staff anticipates returning with a proposal to amend the commercial lighting regulations later this year (mid-2019).

PART II. Proposed Amendment Discussion

This memo and accompanying Ordinance address the following topics and include detailed discussions of each.

- Light Intensity Measurements (Lumens, Bulb Temperature)
- Outdoor Living Space Allowances
- Lighting Plan Requirements
- Addition of Specific Lighting Terms within Definition Section

The following formatting styles are used for the proposed code language:

Regular Text = Existing code language to remain

Underline = Proposed new language

~~Strikethrough~~ = Language proposed for removal

(***) = Portion of existing code removed (skipping to another code section to reduce report length)

Part 2.1: Amending Section 17.5.12 Lighting Regulations

17.5.12 LIGHTING REGULATIONS

A. Purpose and Intent

The purpose of the Lighting Regulations is to establish standards for minimizing the unintended and undesirable side effects of residential exterior lighting while encouraging the intended and desirable safety and aesthetic purposes of such lighting. It is the purpose of the Lighting Regulations to allow illumination that provides the minimum and safe amount of lighting that is needed for the lot on which the light sources are located. In addition, the purpose of this section is to protect the privacy of neighboring residents by controlling the intensity of the light source. All exterior lighting shall conform to the standards set forth below.

B. Limited Exterior Lighting

The basic guideline for exterior lighting is for it to be subdued, understated and indirect to minimize the negative impacts to surrounding lots and public rights-of-way. The location of exterior lighting that meets the requirements of this section shall only be allowed at:

1. Buildings where Building Codes require building ingress and egress doors;

2. Pedestrian walkways or stairs;
3. Plaza areas and other public areas where lighting is required;
4. Deck or patio areas;
5. Surface parking lots;
6. Signs;
7. Address identification or address monuments;
8. Flags;
9. Public art;
10. Driveways;
11. Street lights; ~~and/or~~
12. Swimming pools, spas and water features; and
13. Outdoor living spaces.

C. Prohibited Lighting. The following exterior lighting is prohibited:

1. Architectural lighting;
2. Landscape lighting;
3. Uplighting;
4. ~~3.~~ Flood lighting;
5. ~~4.~~ Other lighting not outlined above as permitted or exempt lighting;
6. Lighting that causes glare from a site or lot to any designated wetlands or other environmentally sensitive areas;
7. ~~5.~~ Lighting that causes glare from a site or lot to adjoining property; and
8. ~~6.~~ Lighting that produces glare to vehicles within a public right-of-way or access tract.

D. Exemptions. The following types of exterior lighting shall be exempt from the Lighting Regulations:

1. Seasonal lighting, providing individual lamps are less than ~~ten (10) watts and~~ seventy (70) lumens per linear foot of lighting;
 - a. Seasonal lighting shall not detrimentally affect adjacent neighbors. If the Town determines that ~~seasonal~~ such lighting detrimentally affects adjacent neighbors, it may determine such lighting to be a nuisance and require the lighting to be removed.
2. Temporary lighting that is used for theatrical, television, performance area and construction sites;
3. Emergency lighting; ~~and~~
4. Special event lighting approved by the Town as a part of the required development application; ~~;~~
5. Swimming pool and/or hot tub lighting when it is established that no off-site glare shall occur;
6. Lighting of the United States Flag when there is no other down-light option to prevent upward glare;
7. Lighting within public right-of-way for the principle purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right-

of-way when the purpose is to illuminate areas outside the public right-of-way; and,

8. Lighting required by the ski resort operator for the ordinary operation of the ski area snow making installation and operation.

E. Lighting Design Regulations.

1. **Full Cut-Off Fixture Design.** All exterior lighting shall be designed as eighty-five degrees (85°) full cut-off fixtures that direct the light downward without any off-site glare, except as exempted in Section 17.5.12(D).

a. ~~Opaque glass may be used to achieve this requirement.~~

a. ~~b. Each exterior luminaire shall be fully shielded down directed light sources and shall not exceed 850 lumens, with the exception of residential outdoor pathway and recessed stairway lighting which shall not exceed 300 lumens per luminaire. Lighting for Town owned parking garages shall not exceed 5000 lumens per luminaire.~~

b. ~~Exemptions:~~

i. ~~Swimming pool and water feature lighting when it is established that no off-site glare shall occur; and~~

ii. ~~Lighting of the United States flag when there is no other down-light option to prevent the upward glare.~~

c. ~~Approved surface parking lots lighting shall be screened to direct the light onto the parking lots and to ensure lower elevation development is protected from glare.~~

2. **Required Exterior Lighting Type.** LED lighting or other equivalent energy saving high efficacy lighting compliant with this section, shall be used for all exterior lighting. Any fixture with a 0-5 watt lamp shall have a minimum overall luminous efficacy of 30 lumens/watt; any fixture with a 6-15 watt lamp shall have a minimum overall luminous efficacy of 45 lumens/watt.

3. **Maximum Temperature.** The maximum correlated color temperature for differing all proposed lighting types regardless of lamp type, shall be a minimum of 2,400 degrees Kelvin and shall not exceed 3,000 degrees Kelvin, or may employ amber light sources, filtered LED light sources, or a suitable alternative - with the goal of having a warmer light source. :

a. ~~3,500 degrees Kelvin for incandescent, halogen lighting, HID and other lighting not specified herein.~~

b. ~~4,500 degrees Kelvin for LED lighting provided the degrees Kelvin is reduced closer to 3,500 to the extent practical given current LED technologies, with the goal of having warmer, less bluish toned LED lights.~~

4. **Lighting for Parking Areas.** Lighting shall be provided for surface parking areas and underground parking garages.

a. Surface parking lot lighting shall be located in landscaped areas to the extent practical.

- b. Parking area lights are encouraged to be greater in number, lower in height and lower in light level.
 - c. Approved parking area lighting shall direct the light onto the parking lot areas only and ensure lower elevation development is protected from glare.
5. **Maximum Height Limit for Lights.** The following light fixture height limits shall be met. The review authority may approve other heights based on site-specific considerations.
- a. The maximum height for a pole-mounted light fixture shall be twelve feet (12')-, as measured from the immediate adjacent grade, either natural or finished. Pole-mounted light fixtures are not permitted or intended to be placed on buildings or structures in order to artificially increase the height allowance or circumvent maximum height allowances.
 - b. The maximum height for a wall-mounted light fixture shall be seven feet (7') above the directly adjacent walking surface or pathway, except for sign lighting that may be higher as reviewed and approved by the review authority to allow for proper illumination of the sign.
 - c. The maximum height for public surface parking, above ground and/or underground parking garage area lighting shall be fifteen feet (15') above the grade of the parking spaces that are intended to be illuminated. The town would encourage alternative lighting proposals to minimize parking area lighting impacts.
6. **Lighting on Upper Floors.**
- a. Exterior lighting on second or higher stories shall be provided by wall-mounted fixtures, ~~or by recessed wall,~~ or ceiling fixtures, or lighting that is louvered or otherwise designed to prevent off-site glare.
 - b. Decks on second and upper floors that do not have stairs shall have only recessed wall or ceiling, in-rail or in-wall, louvered or concealed lighting that is directed towards the building or the deck/patio surface and not to the exterior yards.
 - c. Exterior Lighting on second and upper floors shall require either a timer or sensor to reduce usage and energy loss during times of inactivity.
7. **Levels of Illumination:** Exterior Lighting, when in use, shall meet the following standards for illuminance of light consistent with the provisions listed below. A point-by-point photometric calculation listing the number, type, height, and level of illumination of all exterior lighting fixtures may be required as per Section 17.5.12(E)(9) prior to Design Review Board approval or staff approval to ensure compliance with these provisions.
- a. Parking lots, driveways, trash enclosures/areas, and group mailboxes shall be illuminated with a maximum average not to exceed four (4 fc) foot-candles of light.

- b. Pedestrian walkways and staircases shall be illuminated with a maximum average not to exceed two (2 fc) foot-candles of light or as otherwise required by building code.
 - c. Exterior doors shall be illuminated with a minimum maintained one (1 fc) foot-candle of light, measured within a five (5' 0") foot radius on each side of the door at ground level or as otherwise required by building code.
 - d. In order to minimize light trespass on abutting residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed the moon's potential ambient illumination of one-tenth (0.1 fc) foot-candle
 - e. The use of exterior lighting shall be minimized in areas of important wildlife habitat and delineated wetlands, and lighting shall be designed so that it does not spill over or onto such critical habitat.
8. **Lighting Designer Required.** In the case of new development or remodeling subject to the Lighting Regulations, a Lighting Certified professional, a Certified Lighting Efficiency professional, an International Association of Lighting Designers member or similarly certified professional, or a licensed architect shall design all exterior lighting.
9. **Lighting Plan Required.** A detailed exterior lighting plan, separate from other required plans, shall be submitted with development application detailing the location and specifications of all lighting to be installed. New development of single-family dwellings having a gross floor area of less than 3,500 square feet as well as minor revisions to existing lighting plans shall be subject to only the requirements of 17.5.12(E)(9)(a) below unless it is determined by the Community Development Department that unique circumstances exist or if required for safety reasons.
- a. The exterior lighting plan shall describe the location, height above grade, type of illumination (such as ~~incandescent~~ LED, halogen, high pressure sodium, etc.), lumens, wattage, source, and correlated color temperature for each light source being proposed.
 - b. An isofootcandle diagram prepared by a certified lighting professional or licensed architect as outlined above ~~shall be provided~~ may be required and if required shall to indicate the level and extent of the proposed lighting as per 17.5.12(E)(7).
10. **Additional Lighting Requirements for the Village Center.** Provisions for seasonal and holiday lighting shall be incorporated into the exterior lighting plan for all projects located within the Village Center.
- a. Additional lighting requirements for the Village Center are found within the Commercial, Ground Level and Plaza Area Design Regulations.
11. **Application.** All newly installed exterior lighting shall comply with the Lighting Regulations.

- a. A redevelopment or remodel valued at fifty thousand dollars (\$50,000) or more shall retrofit all existing exterior lighting to comply with the then current Lighting Regulations.
- b. Notwithstanding the value of the redevelopment or remodel, if twenty-five percent (25%) or more of the exterior lights are to be replaced, all existing exterior lighting shall be retrofitted to comply with the then current Lighting

Section 3.2: Amending Section 17.5.15: Commercial, Ground Level and Plaza Area Design Regulations to better align Standards for Commercial storefront lighting.

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(B)(4): Lighting

- a. In general, lighting within commercial areas shall originate within the storefront windows and not be dependent on freestanding light fixtures. Direct light sources should be used only for accent of architecture, landscape, artwork or for the definition of entries and walkways consistent with the Lighting Regulations.
- b. Window displays within storefront windows shall be illuminated lighted so as to provide an indirect glow of light onto adjacent pedestrian walkways and plazas. Harsh light and glare from storefront windows or interiors shall be avoided.
- c. Interior ~~fluorescent~~ lights shall be baffled so that the light source shall not be seen from pedestrian areas.
- d. ~~White, yellow or other~~ Town-approved LED lights with a minimum correlated color temperature of 2,400K and a maximum correlated color temperature of 3,000K shall be used to light storefronts. With all lighting types, extreme care shall be taken to avoid glare and color distortion. Flashing, blinking or moving lights shall not be used in storefronts. Colored lighting and projector lighting of the interior of a storefront may be used for storefronts and displays with specific approval from the review authority.

Section 3.3: Amending definitions to include related lighting terms – to be inserted in alphabetical order of the existing definitions.

Chapter 17.8 Definitions

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Efficacy: Luminous efficacy is a measure of how well a light source produces visible light. It is the ratio of luminous flux to power, measured in lumens per watt (lm/W).

Exterior Lighting: Artificial outdoor illumination as well as outdoor illuminating devices or fixtures, whether permanent or temporary, including, but not limited to, illumination and illuminating devices or fixtures emanating from or attached to: the exterior of buildings, including under canopies and overhangs, within railings or stairs; structures, such as poles, fences, or decks; the interior or exterior of open-air structures or buildings such as gazebos, pergolas, and breezeways; and the ground, a tree, or other natural features.

Foot-Candle: ("FC") The basic unit of illuminance (the amount of light falling on a surface). Foot-candle measurement is taken with a hand-held light meter. One foot-candle is equivalent to the illuminance produced on one square foot of surface area by a source of one candle at a distance of one foot. Horizontal foot-candles measure the illumination striking a horizontal plane.

Glare: Light entering the eye directly from a light fixture or indirectly from reflective surfaces that cause visual discomfort or reduced visibility to a reasonable person.

Kelvin: The measure of color temperature of a light source. Temperature is measured in degrees with warmer temperatures having a lower number and cooler temperatures having a higher number.

Lamp: A source of optical radiation (i.e., "light"), often called a "bulb" or "tube." Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low-pressure sodium (LPS) lamps, as well as light emitting diode (LED) modules and arrays.

Light Pollution: The material adverse effect of artificial light, including but not limited to, glare, light trespass, energy waste, compromised safety and security, and impacts on the nocturnal environment.

Light Trespass: An undesirable condition in which exterior light is cast across property lines to areas that are unwarranted or unwanted.

Lumen: A unit of measure used to quantify the amount of visible light produced by a lamp or emitted by a light fixture (as distinct from "watt", a measure of power consumption).

Luminaire: A complete lighting unit consisting of one or more lamps, together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the electrical power supply; also called the lighting fixture or fixture.

Outdoor Living Space: an area that extends the usable living area of the home and includes indoor elements such as furniture, kitchen areas, walls or enclosures, overhead cover or canopy, fireplaces, or other entertainment elements that are typically found indoors.

Seasonal Lighting: Lighting installed and operated in connection with the holidays or other seasonal traditions.

PART IV. Findings and Recommended Motion

Design Review Board Recommendations:

The Design Review Board reviewed the proposed amendments at their regular meeting on May 2, 2019 and provided a unanimous recommendation as written to the Town Council.

Findings:

These amendments are necessary to implement the stated policies of the CDC which establish the purpose of the lighting regulations as minimizing the unintended and undesirable side effects of residential exterior lighting while encouraging the intended and desirable safety and aesthetic purpose of such lighting. This proposal works to accomplish this by bringing the town's regulations in line with current lighting technology and specific community needs for outdoor spaces.

Proposed Motion:

Staff recommends Town Council approval of the proposed amendments with the following proposed motion:

I move to approve, the first reading of an ordinance amending the Community Development Code Chapter 17.5 Design Regulations, Sections 17.15.12 – Lighting Regulations, 17.5.15 – Commercial, Ground Level and Plaza Area Design Regulations; and Chapter 17.8 – Definitions; and direct the Town Clerk to set a public hearing for June 18, 2019

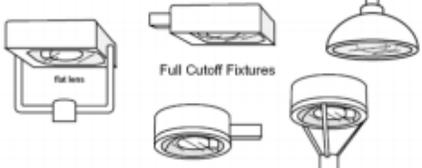
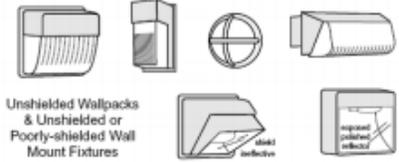
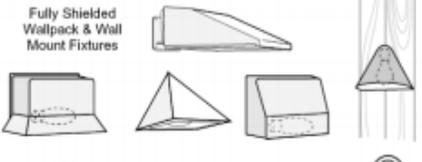
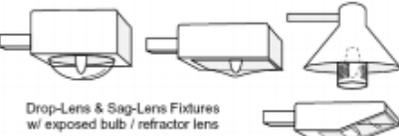
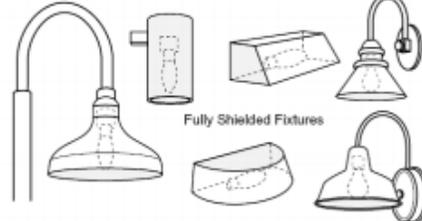
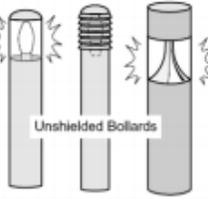
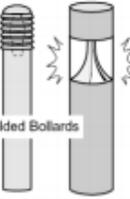
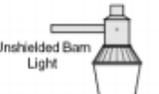
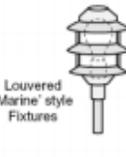
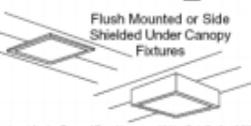
This motion is based on the evidence and testimony provided at a public hearing held on May 16, 2019, with notice of such hearing as required by the Community Development Code.

/jjm

EXHIBIT A: Examples of Acceptable Exterior Dark Sky Compliant Fully Shielded Fixtures

Better Lights for Better Nights

Help eliminate light pollution. Select the best fixture for your application using this guide. Use the lowest wattage bulb appropriate for the task and turn off the light when it's not being used.

Unacceptable / Discouraged	Acceptable
Fixtures that produce glare and light trespass	Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night
 <p>Unshielded Floodlights or Poorly-shielded Floodlights</p>	 <p>Full Cutoff Fixtures</p>
 <p>Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures</p>	 <p>Fully Shielded Wallpack & Wall Mount Fixtures</p>
 <p>Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens</p>	 <p>Fully Shielded Fixtures</p>
 <p>Unshielded Streetlight</p>  <p>Unshielded Bollards</p>  <p>Unshielded Barn Light</p>	 <p>Full Cutoff Streetlight</p>  <p>Fully Shielded Barn Light</p>  <p>Fully Shielded Walkway Bollards</p>
 <p>Louvered 'Marine' style Fixtures</p>  <p>Unshielded 'Period' Style Fixtures</p>	 <p>Fully Shielded Decorative Fixtures</p>  <p>Fully Shielded 'Period' Style Fixtures</p>
 <p>Unshielded PAR Floodlights</p>  <p>Drop-Lens Canopy Fixtures</p>	 <p>Shielded / Properly-aimed PAR Floodlights</p>  <p>Flush Mounted or Side Shielded Under Canopy Fixtures</p>

Recreated for the Town of East Hampton, NY by Bob Crelin ©2008

presented by the

Dark Sky Society
www.darksksociety.org

Illustrations by Bob Crelin, used with permission. You may freely copy and distribute this document.

EXHIBIT B: THE DARK SKY CONCEPT

Preservation of the Night Sky

Light pollution was first raised as an issue in the 1970s by scientists and astronomers who noticed increasing degradation of the night sky. Since then, light pollution from growing communities and excessive exterior lighting has continued to diminish the view of the stars in and around developed areas. Because of this relatively rapid change in light intensity, many jurisdictions have adopted regulations to combat light pollution – commonly referred to as Dark Sky Lighting Regulations. While excessive exterior lighting may create a nuisance to neighbors, it also wastes electricity resulting in unnecessary emissions of greenhouse gases, decreases the quality of ambient lighting and overall community safety, and can have documented negative effects on the health of humans and wildlife.

To combat the above issues, the model ordinance from the International Dark Sky Association promotes a thoughtful approach to exterior lighting design that doesn't necessarily limit use of exterior light fixtures but rather limits the design to a manner that is more effective in lighting outdoor spaces. The primary method for prevention of light pollution and limiting energy waste is the full shielding of lighting fixtures, limiting the total light output (lumens) per property, and utilization of lighting curfews which requires properties turn off all non-security lighting between 10pm and 6am, including illuminated signs, parking lot lighting and lighting not required for building entry points.

Better Lighting means Better Neighbors

Exterior lighting, when appropriately shielded and directed, can improve visibility and safety while minimizing energy use, operating costs, and glare. In contrast, improperly shielded lights can shine into adjacent properties and create conflict with neighbors, drivers, and pedestrians. A general rule of thumb is if the bulb is visible from the property line, it's contributing to glare and light pollution; with dark sky rated lighting, only the intended area is illuminated. Due to the unique outdoor amenities and quality of life experienced by Mountain Village residents, there is an increasing desire to spend more time in dedicated outdoor living spaces. This is especially true during summer months, and this dynamic has increasingly led to conflicts between existing / proposed lighting and the regulations governing lighting in the town. To better understand this conflict, it may be helpful to better understand the typical lighting requests that have been received in the past and the evolving nature of outdoor space and its utilization within the town.

Generally speaking, most conflicts initially arise during the Design Review process and largely deal with issues such as lighting locations, number of fixtures and intensity, address monument illumination, conflicts with adjacent uses, and landscape/architectural lighting requests. It appears that the current process for new homes has been effective in providing a high standard of dark sky compliance, but there are some questions about the overall effectiveness of the non-conforming fixtures within the Town. These proposed changes do not affect the existing fixtures within the Town, only new proposed fixtures and allowances.

Impacts on Human Health

Excessive light at night negatively impacts many areas of human health. Bright points of light from poorly designed lighting can produce a condition known as "disability glare", which temporarily impairs vision and can cause us to avert our eyes from the veil of light being scattered across our retinas – a potentially dangerous condition for the numerous vehicle and pedestrian interfaces throughout Mountain Village. More concerning from a biological perspective are the effects of

ambient lighting on the 24-hour day/night cycle, known as the circadian clock, which affect physiologic processes in almost all organisms. Studies show disruption of the rhythms can result in insomnia, depression and cardiovascular disease. In June 2009, the American Medical Association adopted resolutions that support reducing light pollution and glare – advocating for the use of fully shielded exterior lighting because of the negative health effects caused by light pollution.

Impacts on Wildlife

Studies suggest that artificial night lighting has negative effects on a wide range of wildlife, including amphibians, birds, mammals, insects and even plants. Light pollution disorients migratory birds, disrupts mating behavior of frogs, and interferes with predator/prey relationships. Since the eyes of nocturnal animals have evolved for foraging in low-light conditions, small changes in ambient lighting conditions can alter their relationship with prey species. Light fixation and subsequent collisions are estimated to kill between 100 million and one billion birds annually within the United States – mainly due to collisions with buildings and windows¹. Small adjustments in our current lighting regulations such as the potential to create wetland lighting buffers may help to remedy some of these issues described above. Other issues such as bird/window collisions may be more complicated due to the fact that many windows are illuminated internally and not regulated under the CDC or Design Review Process.

Safety

Brighter light does not necessarily mean a safer environment. Bright, glaring lights that illuminate night time events or locations can decrease the security of the sites. Excessively bright lights can create a sharp contrast between light and darkness – making the area outside the light nearly impossible to see. It should be noted that most property crime offenses are committed during the day, or inside illuminated buildings. Although possibly counter-intuitive, a safer environment involves shielded lighting for roadways, parking lots, homes, businesses and landscapes; increasing visibility and decreasing distractions, such as glare and contrasts between dark and illuminated areas. In addition to security, lighting needs for pedestrian safety and ingress/egress purposes can be accomplished with similar principles of “less is more”, especially if the fixtures are properly shielded and directed to the area intended for illumination. There have been discussions related to The Comprehensive Plan and overall vibrancy within the core and with that, the need for more pedestrian lighting. Any pedestrian lighting within the core would be governed under the CDC – and should be potentially reviewed for conflicts moving forward.

An Economic Case for Proper Exterior Lighting

According to the International Dark Sky Association, inadequately sized and shielded exterior lighting in the US results in wasted energy amounting to over three billion dollars a year. This equates to 21 million tons of carbon dioxide, which for comparison would be offset by planting 875 million trees annually. Unshielded fixtures typically waste about 30% of their energy. When lighting is used only where needed, money that would otherwise be spent on energy costs can instead be spent on other things; a tradeoff which is beneficial to both property owners and the local economy. There are other economic benefits related to preservation of the night sky – typically dealing with tourism related to star gazing and the outdoor industry. Notably, light pollution from a community can travel over 100 miles from the source and application of the Dark Sky Concept regionally can provide surprisingly widespread benefits and sustainable economic growth.

¹ Loss, S. R., Will, T., Loss, S. S., & Marra, P. P. (2014). Bird–building collisions in the United States: Estimates of annual mortality and species vulnerability. *The Condor*, 116(1), 8-23. doi:10.1650/condor-13-090.1

It should be noted that there are currently several non-compliant light fixtures within the Town. The Community Development Code (CDC) requires that all new fixtures comply with current regulations but does not required retroactive replacement of non-compliant fixtures unless the redevelopment or remodel is valued at \$50,000.00 or more, or if 25% or more of the exterior lighting is replaced. Staff is not proposing to modify any provisions related to non-conforming fixtures at this time. It may be worthwhile to explore possible options to establish an incentive program that would allow homeowners with existing non-conforming lights to receive a financial rebate for the cost of retro-fitting existing lights that no longer meet Town Standards. This would allow for better implementation of the lighting code, and an overall reduction in energy consumption in the Town for existing homes and business.

Exhibit C: Cost Analysis of Programable and Analog Light Switch Timers

Staff was requested to investigate any potential cost increases that may associated with requiring timers or sensors for new exterior residential lighting. An online search yielded very few fully shielded downlit light fixtures that also incorporated motion sensing technology , therefore – staff has limited this analysis to light switch timers. As proposed in the accompanying ordinance, staff has limited this requirement to exterior fixtures located on second or upper floors. The reason for this largely comes from requests to better illuminate those upper patio areas so that they can be better utilized as outdoor living space. In order to accommodate these requests, staff and the DRB felt like additional requirements for timers were an appropriate solution.

Most residential timers available on the market range from 20-50 Dollars per light switch. Some switches accommodate multiple exterior lighting fixtures, while others are designed for single fixtures. In comparison, a regular light switch is priced approximately 5-20 Dollars per light switch. Given that most homes do not have many exterior spaces on upper floors, this requirements appears to increase the costs of a project minimally.

The table below assumes multiple fixtures operated off each zone or timed switch:

Home Size	# of Upper Level Lighting Fixtures Proposed	Cost Increase
3,000 sq. ft. (2 zones)	4	\$40-60
5,000 sq. ft. (3 zones)	8	\$45-90
10,000 sq. ft. (4 zones)	15	\$60-120
20,000 sq. ft. (5 zones)	20	\$75-150

Timed Switch Cost:(# Zones) x \$20-50

Minus

Non-Timed Switch Cost:(# Zones) x \$5-20

Equals Cost Increase

REGULATED POWER



Honeywell 7-Day Programmable Light Switch Timer, White (RPLS730B1000/U)

★★★★ 27 reviews [Honeywell](#) Walmart # 551864679

\$28.09 List: ~~\$36.99~~

Free shipping

Arrives by Monday, May 20

Or get it by Mon, May 13 with faster shipping [Options](#)

Add a [Walmart Protection Plan](#) powered by Allstate

None

2 Year - \$2.00

3 Year - \$3.00

Qty:

1

[Add to Cart](#)

Pickup not available

Sold & shipped by [My Goods](#) | [Return policy](#)

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7 other sellers from \$32.00

\$32.00+ Free shipping

Sold & shipped by [Seach Camera](#)

\$32.19+ Free shipping

Sold & shipped by [antonline.com](#)

[Tell us if something is incorrect](#)



\$49.19 from 25+ stores
Intermatic Spring-Wound Timer, White, Timing Range: 0 to 60 min ...
★★★★★ (139)
[More options](#)



\$58.90 from 25+ stores
Timer, Intermatic, SPST, Wound, 60min, 20A
★★★★★ (32)



\$34.63 from 1000bulbs.com
Precision PM-12H - Commercial Spring Wound Auto-Off Timer - 12 Hr ...



\$26.04 from 1000bulbs.com
Precision PM-15M - Commercial Spring Wound Auto-Off Timer - 15 Min ...
★★★★★ (1)



\$28.96 from 1000bulbs.com
Precision PM-30M - Commercial Spring Wound Auto-Off Timer - 30 Min ...



\$30.39 from 10+ stores
Intermatic Ff12Hc 12-Hour Spring Wound Timer
★★★★★ (3)



\$54.59 from 10+ stores
Intermatic Ff46H 6-Hour Spring Wound Timer
★★★★★ (39)



\$47.59 from 10+ stores
Intermatic Ff312Hh 12-Hour Spring Wound Timer
★★★★★ (1)
[More size options](#)

ORDINANCE NO. 2019-XXXX-_____

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE (CDC) AT SECTIONS 17.5.12: LIGHTING REGULATIONS AND 17.5.15: COMMERCIAL, GROUND LEVEL AND PLAZA AREA DESIGN REGULATIONS, AND CHAPTER 17.8: DEFINITIONS TO ACCOMPLISH THE FOREGOING.

RECITALS

- A. The Town of Mountain Village (the “Town”) is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado (the “Constitution”) and the Home Rule Charter of the Town (the “Charter”).
- B. Pursuant to the Constitution, the Charter, the Colorado Revised Statutes and the common law, the Town has the authority to regulate the use and development of land and to adopt ordinances and regulations in furtherance thereof.
- C. The Town Council may amend the CDC from time to time due to changing circumstances or for general housekeeping purposes. Such an update of the CDC has become necessary for technical corrections, clarifications and consistency.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AS FOLLOWS:

Section 1. Amendment of Community Development Code

- A. The Town of Mountain Village Community Development Code, Title 17 is hereby amended and replaced as set forth in Exhibit A which is attached hereto and incorporated herein.
- B. The Planning Division is directed to codify the amendments in Exhibit A into the CDC.
- C. The Planning Division may correct typographical and formatting errors in the amendments or the adopted CDC.

Section 2. Ordinance Effect

- A. This Ordinance shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- B. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 3. Severability

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

Section 4. Effective Date

This Ordinance shall become effective on _____ XX, 2019

Section 5. Public Hearing

A public hearing on this Ordinance was held on the 16th day of May 2019 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 16th day of May, 2019

TOWN OF MOUNTAIN VILLAGE:

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

ATTEST:

By: _____
Laila Benitez, Mayor

Jackie Kennefick, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this XXth day of _____, 2019.

TOWN OF MOUNTAIN VILLAGE:

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

ATTEST:

By: _____
Laila Benitez, Mayor

Jackie Kennefick, Town Clerk

Approved As To Form:

Jim Mahoney, Assistant Town Attorney

I, Jackie Kennefick, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. _____ ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on _____, 2019, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Dan Jansen				
Bruce MacIntire				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on _____, 2019 in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on ____ XX, 2019. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Dan Jansen				
Bruce MacIntire				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this _____ day of _____, 2019.

Jackie Kennefick, Town Clerk

(SEAL)

EXHIBIT A

(Language ~~stricken~~ is deleted; underlined language is new.)

A.1: CDC § 17.5.12 is amended as follows:

17.5.12 LIGHTING REGULATIONS

A. Purpose and Intent

The purpose of the Lighting Regulations is to establish standards for minimizing the unintended and undesirable side effects of residential exterior lighting while encouraging the intended and desirable safety and aesthetic purposes of such lighting. It is the purpose of the Lighting Regulations to allow illumination that provides the minimum and safe amount of lighting that is needed for the lot on which the light sources are located. In addition, the purpose of this section is to protect the privacy of neighboring residents by controlling the intensity of the light source. All exterior lighting shall conform to the standards set forth below.

B. Limited Exterior Lighting

The basic guideline for exterior lighting is for it to be subdued, understated and indirect to minimize the negative impacts to surrounding lots and public rights-of-way. The location of exterior lighting that meets the requirements of this section shall only be allowed at:

1. Buildings where Building Codes require building ingress and egress doors;
2. Pedestrian walkways or stairs;
3. Plaza areas and other public areas where lighting is required;
4. Deck or patio areas;
5. Surface parking ~~lots~~;
6. Signs;
7. Address identification or address monuments;
8. Flags;
9. Public art;
10. Driveways;
11. Street lights; ~~and/or~~
12. Swimming pools, spas and water features; and
13. Outdoor living spaces.

C. Prohibited Lighting. The following exterior lighting is prohibited:

1. Architectural lighting;
2. Landscape lighting;
3. Uplighting;
4. ~~3.~~ Flood lighting;
5. ~~4.~~ Other lighting not outlined above as permitted or exempt lighting;
6. Lighting that causes glare from a site or lot to any designated wetlands or other environmentally sensitive areas;
7. ~~5.~~ Lighting that causes glare from a site or lot to adjoining property; and
8. ~~6.~~ Lighting that produces glare to vehicles within a public right-of-way or access tract.

D. Exemptions. The following types of exterior lighting shall be exempt from the Lighting Regulations:

1. Seasonal lighting, providing individual lamps are less than ~~ten (10) watts and seventy (70) lumens~~ per linear foot of lighting;
 - a. Seasonal lighting shall not detrimentally affect adjacent neighbors. If the Town determines that ~~seasonal~~ such lighting detrimentally affects adjacent neighbors, it may determine such lighting to be a nuisance and require the lighting to be removed.
2. Temporary lighting that is used for theatrical, television, performance area and construction sites;
3. Emergency lighting; ~~and~~
4. Special event lighting approved by the Town as a part of the required development application;
5. Swimming pool and/or hot tub lighting when it is established that no off-site glare shall occur;
6. Lighting of the United States Flag when there is no other down-light option to prevent upward glare;
7. Lighting within public right-of-way for the principle purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right-of-way when the purpose is to illuminate areas outside the public right-of-way; and,
8. Lighting required by the ski resort operator for the ordinary operation of the ski area snow making installation and operation.

E. Lighting Design Regulations.

1. **Full Cut-Off Fixture Design.** All exterior lighting shall be ~~designed as~~ eighty-five degrees (85°) full cut-off fixtures that direct the light downward without any off-site glare, except as exempted in Section 17.5.12(D).
 - a. ~~Opaque glass may be used to achieve this requirement.~~
 - a. ~~b.~~ Each exterior luminaire shall be fully shielded down directed light sources and shall not exceed 850 lumens, with the exception of residential outdoor pathway and recessed stairway lighting which shall not exceed 300 lumens per luminaire. Lighting for Town owned parking garages shall not exceed 5000 lumens per luminaire.
 - b. ~~Exemptions:~~
 - i. ~~Swimming pool and water feature lighting when it is established that no off-site glare shall occur; and~~
 - ii. ~~Lighting of the United States flag when there is no other down-light option to prevent the upward glare.~~

- e. ~~Approved surface parking lots lighting shall be screened to direct the light onto the parking lots and to ensure lower elevation development is protected from glare.~~
2. **Required Exterior Lighting Type.** LED lighting or other equivalent ~~energy saving~~ high efficacy lighting compliant with this section, shall be used for all exterior lighting. Any fixture with a 0-5 watt lamp shall have a minimum overall luminous efficacy of 30 lumens/watt; any fixture with a 6-15 watt lamp shall have a minimum overall luminous efficacy of 45 lumens/watt.
 3. **Maximum Temperature.** The maximum correlated color temperature for ~~differing~~ all proposed lighting types regardless of lamp type, shall be a minimum of 2,400 degrees Kelvin and shall not exceed 3,000 degrees Kelvin, or may employ amber light sources, filtered LED light sources, or a suitable alternative - with the goal of having a warmer light source.
 - a. ~~3,500 degrees Kelvin for incandescent, halogen lighting, HID and other lighting not specified herein.~~
 - b. ~~4,500 degrees Kelvin for LED lighting provided the degrees Kelvin is reduced closer to 3,500 to the extent practical given current LED technologies, with the goal of having warmer, less bluish toned LED lights.~~
 4. **Lighting for Parking Areas.** Lighting shall be provided for surface parking areas and underground parking garages.
 - a. Surface parking lot lighting shall be located in landscaped areas to the extent practical.
 - b. Parking area lights are encouraged to be greater in number, lower in height and lower in light level.
 - c. Approved parking area lighting shall direct the light onto the parking lot areas only and ensure lower elevation development is protected from glare.
 5. **Maximum Height Limit for Lights.** The following light fixture height limits shall be met. The review authority may approve other heights based on site-specific considerations.
 - a. The maximum height for a pole-mounted light fixture shall be twelve feet (12')- as measured from the immediate adjacent grade, either natural or finished. Pole-mounted light fixtures are not permitted or intended to be placed on buildings or structures in order to artificially increase the height allowance or circumvent maximum height allowances.
 - b. The maximum height for a wall-mounted light fixture shall be seven feet (7') above the directly adjacent walking surface or pathway, except for sign lighting that may be higher as reviewed and approved by the review authority to allow for proper illumination of the sign.
 - c. The maximum height for public surface parking, above ground and/or underground parking garage area lighting shall be fifteen feet (15') above the grade of the parking

spaces that are intended to be illuminated. The town would encourage alternative lighting proposals to minimize parking area lighting impacts.

6. Lighting on Upper Floors.

- a. Exterior lighting on second or higher stories shall be provided by wall-mounted fixtures, ~~or by~~ recessed wall, or ceiling fixtures, or lighting that is louvered or otherwise designed to prevent off-site glare.
- b. Decks on second and upper floors that do not have stairs shall have only recessed wall or ceiling, in-rail or in-wall, louvered or concealed lighting that is directed towards the building or the deck/patio surface and not to the exterior yards.
- c. Exterior Lighting on second and upper floors shall require either a timer or sensor to reduce usage and energy loss during times of inactivity.

7. Levels of Illumination: Exterior Lighting, when in use, shall meet the following standards for illuminance of light consistent with the provisions listed below. A point-by-point photometric calculation listing the number, type, height, and level of illumination of all exterior lighting fixtures may be required as per Section 17.5.12(E)(9) prior to Design Review Board approval or staff approval to ensure compliance with these provisions.

- a. Parking lots, driveways, trash enclosures/areas, and group mailboxes shall be illuminated with a maximum average not to exceed four (4 fc) foot-candles of light.
- b. Pedestrian walkways and staircases shall be illuminated with a maximum average not to exceed two (2 fc) foot-candles of light or as otherwise required by building code.
- c. Exterior doors shall be illuminated with a minimum maintained one (1 fc) foot-candle of light, measured within a five (5' 0") foot radius on each side of the door at ground level or as otherwise required by building code.
- d. In order to minimize light trespass on abutting residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed the moon's potential ambient illumination of one-tenth (0.1 fc) foot-candle
- e. The use of exterior lighting shall be minimized in areas of important wildlife habitat and delineated wetlands, and lighting shall be designed so that it does not spill over or onto such critical habitat.

8. Lighting Designer Required. In the case of new development or remodeling subject to the Lighting Regulations, a Lighting Certified professional, a Certified Lighting Efficiency professional, an International Association of Lighting Designers member or similarly certified professional, or a licensed architect shall design all exterior lighting.

9. Lighting Plan Required. A detailed exterior lighting plan, separate from other required plans, shall be submitted with development application detailing the location and specifications of all lighting to be installed. New development of single-family dwellings having a gross floor area of less than 3,500 square feet as well as minor

revisions to existing lighting plans shall be subject to only the requirements of 17.5.12(E)(9)(a) below unless it is determined by the Community Development Department that unique circumstances exist or if required for safety reasons.

- a. The exterior lighting plan shall describe the location, height above grade, type of illumination (such as ~~incandescent~~ LED, halogen, high pressure sodium, etc.), lumens, wattage, source, and correlated color temperature for each light source being proposed.
- b. An isofootcandle diagram prepared by a certified lighting professional or licensed architect as outlined above ~~shall be provided~~ may be required and if required shall to indicate the level and extent of the proposed lighting as per 17.5.12(E)(7). _

10. Additional Lighting Requirements for the Village Center. Provisions for seasonal ~~and holiday~~ lighting shall be incorporated into the exterior lighting plan for all projects located within the Village Center.

- a. Additional lighting requirements for the Village Center are found within the Commercial, Ground Level and Plaza Area Design Regulations.

11. Application. All newly installed exterior lighting shall comply with the Lighting Regulations.

- a. A redevelopment or remodel valued at fifty thousand dollars (\$50,000) or more shall retrofit all existing exterior lighting to comply with the then current Lighting Regulations.
- b. Notwithstanding the value of the redevelopment or remodel, if twenty-five percent (25%) or more of the exterior lights are to be replaced, all existing exterior lighting shall be retrofitted to comply with the then current Lighting

A.2: CDC § 17.5.15 is amended as follows:

(***)

(B)(4): Lighting

- a. In general, lighting within commercial areas shall originate within the storefront windows and not be dependent on freestanding light fixtures. Direct light sources should be used only for accent of architecture, landscape, artwork or for the definition of entries and walkways consistent with the Lighting Regulations.
- b. Window displays within storefront windows shall be illuminated ~~lighted~~ so as to provide an indirect glow of light onto adjacent pedestrian walkways and plazas. Harsh light and glare from storefront windows or interiors shall be avoided.
- c. Interior ~~fluorescent~~ lights shall be baffled so that the light source shall not be seen from pedestrian areas.
- d. ~~White, yellow or other~~ Town-approved LED lights with a minimum correlated color temperature of 2,400K and a maximum correlated color temperature of less than

3,000K shall be used to light storefronts. With all lighting types, extreme care shall be taken to avoid glare and color distortion. Flashing, blinking or moving lights shall not be used in storefronts. Colored lighting and projector lighting of the interior of a storefront may be used for storefronts and displays with specific approval from the review authority.

A.3: CDC § 17.8 is amended as follows:

Chapter 17.8 Definitions

(*******) to be inserted in alphabetical order of the existing definitions

Efficacy: Luminous efficacy is a measure of how well a light source produces visible light. It is the ratio of luminous flux to power, measured in lumens per watt (lm/W).

Exterior Lighting: Artificial outdoor illumination as well as outdoor illuminating devices or fixtures, whether permanent or temporary, including, but not limited to, illumination and illuminating devices or fixtures emanating from or attached to: the exterior of buildings, including under canopies and overhangs, within railings or stairs; structures, such as poles, fences, or decks; the interior or exterior of open-air structures or buildings such as gazebos, pergolas, and breezeways; and the ground, a tree, or other natural features.

Foot-Candle: ("FC") The basic unit of illuminance (the amount of light falling on a surface). Foot-candle measurement is taken with a hand-held light meter. One foot-candle is equivalent to the illuminance produced on one square foot of surface area by a source of one candle at a distance of one foot. Horizontal foot-candles measure the illumination striking a horizontal plane.

Glare: Light entering the eye directly from a light fixture or indirectly from reflective surfaces that cause visual discomfort or reduced visibility to a reasonable person.

Kelvin: The measure of color temperature of a light source. Temperature is measured in degrees with warmer temperatures having a lower number and cooler temperatures having a higher number.

Lamp: A source of optical radiation (i.e., "light"), often called a "bulb" or "tube." Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low-pressure sodium (LPS) lamps, as well as light emitting diode (LED) modules and arrays.

Light Pollution: The material adverse effect of artificial light, including but not limited to, glare, light trespass, energy waste, compromised safety and security, and impacts on the nocturnal environment.

Light Trespass: An undesirable condition in which exterior light is cast across property lines to areas that are unwarranted or unwanted.

Lumen: A unit of measure used to quantify the amount of visible light produced by a lamp or emitted by a light fixture (as distinct from "watt", a measure of power consumption).

Luminaire: A complete lighting unit consisting of one or more lamps, together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the electrical power supply; also called the lighting fixture or fixture.

Outdoor Living Space: an area that extends the usable living area of the home and includes indoor elements such as furniture, kitchen areas, walls or enclosures, overhead cover or canopy, fireplaces, or other entertainment elements that are typically found indoors.

Seasonal Lighting: Lighting installed and operated in connection with the holidays or other seasonal traditions.



Town of Mountain Village

Residential Outdoor Lighting Code
Amendment - 2019



INITIAL STAFF GOAL

- Amend the lighting code to allow residents and guests better use of outdoor living areas.
- In order to do this – lighting standards needed to be clarified to reduce off-site impacts to areas adjacent to these newly illuminated outdoor living areas.



PROPOSED CDC AMENDMENTS AND DISCUSSION

- Light Intensity Measurements (Lumens, Bulb Temperature)
- Outdoor Living Space Allowances
- Lighting Plan Requirements
- Addition of Specific Lighting Terms within Definition Section



DIRECTION FROM TOWN COUNCIL

- Generally Streamline the Lighting Regulations
 - Staff worked to accomplish this by clearly providing standards for appropriate lighting. These standards would minimally increase costs for an overall project and allow the applicant to better plan for the DRB process.
- Reduce requirements for less substantial development such as smaller deed restricted homes
 - Homes less than 3,500 Gross Sq.Ft.
- Remove language surrounding lighting curfews
- Better understand cost increases that accompany requiring timer controlled light switches
 - See Exhibit C of the Staff Memo



PROPOSED CDC AMENDMENTS AND DISCUSSION

- Light Intensity Measurements (Lumens, Bulb Temperature) and Residential Exterior Lighting Allowances



PROPOSED CDC AMENDMENTS AND DISCUSSION

- Outdoor Living Space Allowances



PROPOSED CDC AMENDMENTS AND DISCUSSION

- Lighting Plan Requirements
 - Tiered system based on size of home



PROPOSED CDC AMENDMENTS AND DISCUSSION

- Outdoor Lighting Timed Switches



PROPOSED CDC AMENDMENTS AND DISCUSSION

- Addition of Specific Lighting Terms within Definition Section



Questions?

Prepared by John Miller
Senior Planner
Town of Mountain Village

