ITEM 1: Continued discussion and possible recommendation to the Board of Supervisors regarding a proposed amendment to County Code Chapter 19.50 Design Standards and Findings, by adding Section 19.50.060, “Outdoor Lighting Regulations.” The Code amendment would establish regulations for new outdoor lighting fixtures within the unincorporated County.

Applicant: County of Amador (Zoning Ordinance Amendment ZOA-19:9-1)
Supervisorial Districts: All
Location: The ordinance would apply to all applicable portions of the unincorporated area of Amador County which utilize artificial lighting sources as described therein.

A. BACKGROUND: On March 23, 2018, the Board of Supervisors approved a Settlement Agreement to resolve litigation regarding the County’s 2016 adoption of the Amador County General Plan and certification of the General Plan Environmental Impact Report. The Agreement includes the requirement for the County to draft a Dark Skies Protection Ordinance and hold at least one public hearing to consider its adoption. The specific language from the Settlement Agreement is included in the staff report for reference.

After reviewing a variety of outdoor lighting policies and recommendations from the International Dark-Sky Association, staff prepared a draft ordinance and scheduled a hearing in October with the Planning Commission for initial review and public comment. Based on public input and Planning Commission direction during the Commission’s October, November, and December meetings, a final draft was forwarded to the Board of Supervisors for discussion and possible adoption. An error in the draft ordinance and minutes presented to the Board resulted in the draft being returned to the Planning Commission for additional review.

During the Planning Commission’s February, 2020 meeting, the substantive changes and language adjustments previously made by the Planning Commission were discussed and reviewed for accuracy. Those changes included:

- Changing “Dark Sky Ordinance” to “Outdoor Lighting Regulations”
- Clarifying that the exemption for State and Federal projects does not include County projects
- Moving “Public Gathering Lighting” to be included with Recreational Facilities
- Allowing an exemption for minor aesthetic/accent lighting
- Allowing an exemption for all airports (public and private) and FAA-required lighting
- Removing the exemption for parcels over 40 acres
- Removing prohibition of High Intensity Discharge (HID) lights
- Including the “A,” Agricultural and “AG,” Exclusive Agriculture districts under the residential lighting section
- Revising the exterior lighting upper limit for Color Correlative Temperature (CCT) and luminescence in residential zones
- Removing stringent restrictions of Street Parking and Security Lighting
- Clarifying regulations for historic structures/properties
- Clarifying language regarding new construction, and
- Requiring a lighting plan for commercial projects
B. **PROPOSED PLANNING COMMISSION ACTION:** The Planning Commission, after taking public comment on the proposed ordinance, may make any recommendations felt necessary regarding proposed Chapter 19.50.060, “Outdoor Lighting Regulations.” Recommendations will be forwarded to the Board of Supervisors for their consideration at a future public hearing.

C. **RECOMMENDED FINDING(S):**

1. *The adoption of Chapter 19.50.060, “Outdoor Lighting Regulations,” is Categorically Exempt from the California Environmental Quality Act according to Sections 15307 (Class 7) and 15308 (Class 8) of the State CEQA Guidelines.*
   
   a. Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.
   
   b. Class 8 exemptions consist of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

2. *Following Board adoption of the proposed ordinance, a Notice of Exemption will filed with the County Recorder.*

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**Settlement Agreement Term D: Dark Skies Ordinance**

“Recognizing that enjoyment of dark night skies is an integral part of Amador County’s rural quality of life and scenic beauty, the County shall draft a proposed Dark Skies Protection Ordinance and hold at least one public hearing to consider its adoption. As part of the process, the County shall review and consider the following minimum standards for inclusion in the draft:

1. Exterior lighting shall use the lowest possible wattage and energy-efficient luminaire for each application and minimize light use during non-active hours (11PM-dawn), except as needed for safety.
2. Exterior lighting shall illuminate only the area needed for safety.
3. Outdoor light fixtures for streets, commercial and residential buildings, pedestrian areas, and roadways shall be shielded, and/or directed down to preserve the night sky and away from residential areas to minimize light and glare effects on adjacent residences.
4. Exterior lighting fixtures shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane.
5. Timers or motion sensors shall be implemented on exterior lighting fixtures at night near buildings, where applicable, to avoid continual lighting of surfaces.
6. Yellow spectrum light sources, such as low-pressure sodium lamps and narrow-spectrum amber LEDs, shall be used for the majority of outdoor lighting. Other spectrum lighting may be used where necessary for a particular purpose, such as safety.
7. In commercial areas, special standards shall be established for illuminated signs and flashing or blinking lights.”
Chapter 19.50.060
Outdoor Lighting Ordinance

Sections:

19.50.061 Title.
19.50.062 Applicability.
19.50.063 Purpose and intent.
19.50.064 Definitions.
19.50.065 Exemptions.
19.50.066 Prohibited.
19.50.067 Lighting Regulations.
19.50.068 Effective Date and Grandfathering of Nonconforming Luminaires.
19.50.069 New Construction.
19.50.070 Enforcement.

19.50.061 Title.

This chapter shall be referred to as the Outdoor Lighting Ordinance.

19.50.062 Applicability.

The provisions of this chapter apply only within the unincorporated area of Amador County. All requirements, regulations, and standards imposed by this section are intended to apply in addition to any other applicable requirements, regulations, and standards imposed elsewhere in this Code.

19.50.063 Purpose and intent.

Efficient outdoor nighttime lighting provides numerous benefits including safety, night-time character, and security. Regulation of lighting may prevent or reduce problems related to excessive glare, light trespass, increased energy use, and light pollution. This lighting ordinance provides regulations for installation and establishes safety and installation guidelines for safe and responsible lighting.

19.50.064 Definitions: For the purpose of this ordinance, terms shall be defined as follows:

A. “Color Correlative Temperature, CCT.” The color appearance of a light source in terms of warmth or coolness, measured in Kelvin (K). Increased CCT is indicated by a shift from yellow (below 3000K) to blue-spectrum (above 4000K) light.

B. “Direct Light.” Light emitted directly from a lamp or luminaire.

C. “Full Cutoff Light Fixtures.” Light fixtures shielded or constructed so that no light rays are emitted above the horizontal plane and which limit glare in the region between 80 and 90 degrees from the horizontal plane. The term is often used interchangeably with “Fully-shielded lights” which may or may not limit glare in the region between 80 and 90 degrees from the horizontal plane.

D. “Glare.” Light emitted from a luminaire that reduces a viewer’s ability to see, and in extreme cases causes momentary blindness.

E. “Opacity/Opaque.” Lighting that is shielded by a non-transparent or translucent medium so as to limit, reduce, or redirect light output.

F. “Horizontal Plane.” Surface parallel with the ground plane.
G. “Indirect light.” Direct light that has been reflected or redirected off other surfaces.

H. “Kelvin, K.” Unit of measurement of temperature, used in lighting to indicate Color Correlative Temperature (CCT), of a light bulb. Higher values indicate increased CCT. See “Color Correlative Temperature, CCT.”

I. “Light Bulb, Bulb, and Lamp.” The component of a luminaire consisting of a single or collection of light-emitting technologies which are responsible for the emission of light. Applicable technologies include, but are not limited to the following:

1. “High Intensity Discharge (HID) Lamp.” A term for a lamp or light source characterized by an arc tube which encloses various gases and metal salts operating at relatively high pressures and temperatures. Common HID lamps are mercury vapor, metal halide, xenon, and high-pressure sodium;

2. “Incandescent, Light Bulb.” A light source of electric light produced by incandescence and heating of a filament;

3. “Light Emitting Diode (LED).” A light source where light is produced by passing an electric current through a two-lead semiconductor diode. LED’s also are characterized by smaller size, lower energy consumption, and longer life than their non LED counterparts;

J. “Light Pollution.” Brightening of the night sky caused by street lights and other man-made sources, disrupting natural cycles and inhibiting observation of astronomical bodies.

K. “Light Trespass.” Shining of light produced by a luminaire beyond property boundaries where it is located.

L. “Lumen.” A unit of luminous flux, standard measure of luminescence (i.e., lighting). For the purposes of the ordinance, the lumen-output values shall be the INITIAL lumen output ratings of the lamp or bulb.

M. “Luminaire.” A complete lighting system, including a lamp or lamps and a fixture. Specific examples can include the following:

1. “Flood or Spot Light.” Any light fixture incorporating a reflector or refractor to concentrate and or direct light output in a particular direction;

2. “Hazard warning luminaire.” A type of luminaire intended to indicate potential or existing hazards;

3. “Laser Projector.” A type of luminaire which highly concentrated beams of light in various directions, often motorized; See “Temporary Outdoor Lighting;”

4. “Residential entrance light.” An exterior lighting fixture mounted on a building required by the CA electrical code or CA building code to illuminate an outdoor entrance or exit with grade level access;

5. “Searchlight.” A powerful outdoor electric luminaire with a concentrated beam directed in a specific direction, or motorized to change direction.

N. “Temporary outdoor lighting.” Specific illumination of an outside area of object by any man-made device located outdoors that produces light by any means for a period of less than sixty (60) consecutive days, with at least one-hundred and eighty (180) consecutive days passing before being used again.
19.50.065 Exemptions.

A. Government Facilities with outdoor lighting required by State or Federal law. A person seeking this exemption shall request it when submitting a development application. The applicant shall submit proof along with the application that demonstrates their entitlement to the exemption.

B. Public and Private Airports and airport lighting systems including but not limited to runways, taxiways, obstruction lighting, lighted windsocks, approach and threshold light systems, termination lights, approach slope lights, runway end identification lights, rotating beacons, hangar ramp lights, road crossing warning lights, and any other airport associated lighting systems deemed necessary by the Federal Aviation Administration (FAA).

C. Public Roadway Illumination luminaires may be installed at a maximum height of thirty (30) feet and positioned at that height up to the edge of any bordering property or as determined by the public agency responsible for their installation. No exemption shall apply to any roadway illumination within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside of the public right of way or easement.

D. Official Traffic Control Devices or Fixtures installed, maintained, or regulated by any state, or federal agency.

E. Temporary Emergency Lighting needed by emergency services of any type.

F. Searchlights when utilized by government personnel for official purposes.

G. Temporary Outdoor Lighting that complies with section 19.50.067(G) below. Temporary outdoor lighting installed for periods exceeding sixty (60) consecutive days may be approved under a staff-issued Use Permit subject to ten (10) day public notice to surrounding property owners.

H. Minor, aesthetic accent lighting that does not illuminate beyond the accented object and does not exceed 2700K or 800 lumens total, per object and regardless of number of luminaires. Examples include lighting for a tree, a statue, or address numbering.

19.50.066 Prohibited.

The following fixtures are prohibited unless otherwise addressed in this code or permitted under an approved Use Permit.

A. Any new installation of illumination directed above the horizontal plane;

B. Bottom-mounted outdoor advertising-sign lighting fixtures;

C. Non-temporary lights that blink, flash, rotate, move, or change in intensity or color.

D. Spotlights or high intensity focused luminaires without a staff-issued Use Permit specifying range, direction, and intensity of said spotlight.

19.50.067 Lighting Regulations.

A. Exterior Lighting—Generally. All exterior lighting, including motion-sensitive or timed lighting, shall be provided by fully shielded, full cutoff fixtures installed per the manufacturer's specifications in order to limit glare and light trespass. All luminaires must have a CCT less than or equal to 3000K and the maximum height of any luminaire may not exceed the maximum building height as specified by the property's zoning district, unless otherwise allowed with a Use Permit. For the purposes of this section, initial lumen output refers to the cumulative luminescence of the luminaire regardless of number of lamps or fixtures.
B. **Residential Lighting.** The following residential lighting regulations apply to all residential uses within the R1, R2, R3, R1A, R2A, RE, A, AG, T1, and T2 zones or any luminaires utilized for residential purposes.

1. Exterior lighting fixtures shall be mounted no higher than 30 feet above the flooring, deck, walkway, driveway or other occupied area, or at the highest grade point of the ground surface immediately adjacent to the lighting fixture.

2. All exterior lighting must have an initial lumen output less than or equal to 1500 lumens, or 3000 lumens if controlled by motion sensors which extinguish no later than 10 minutes after activation.

3. Underwater lighting in swimming pools or other water features shall not emit perceivable illumination visible at the property boundaries, and shall be positioned to minimize illumination above the horizontal plane as measured at the water's surface.

C. **Commercial Lighting Regulations.** The following commercial lighting regulations apply to commercial uses within the C1, C2, LM, MM, M, MRZ, A, AG, or H zones or any luminaires utilized for commercial purposes.

1. The illumination of signs shall comply with County Code Section 19.32. Any inconsistencies between this section and County Code Section 19.32 shall be limited by the more restrictive provision.

2. All allowed lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure and be full cutoff, fully shielded, fixtures.

3. Outdoor identification or advertising signs constructed of translucent materials and wholly illuminated from within do not require additional shielding.

D. **Historic Luminaires** as a part of a state, federal, or local historical landmark and which add to the historic character of the property shall be allowed in any zoning district. Historic luminaires must have a CCT of no more than 2200 K if not fully shielded, full-cutoff fixtures.

E. **Illumination of the United States Flag** is subject to the regulations set forth in this section, which apply to all zoning districts within the County.

1. Flagpoles illuminated from below shall have a maximum output of 1,300 lumens and 3,000K CCT. The fixture shall be mounted perpendicular to the flagpole, and the light outputs shall point straight up at the flag;

2. Flagpoles illuminated from above shall utilize a single light fixture, not to exceed 800 initial lamp lumens and 3,000K, attached to the top of the flagpole;

3. If the flag of the United State of America is displayed during the hours of darkness it should be illuminated as recommended in the United States Flag Code (36 U.S.C. Paragraphs 173, 174).

F. **Recreational Facilities and Public Gatherings.** Lighting for outdoor recreational fields and for public gatherings shall comply with the regulations of this chapter. No illumination for these uses is permitted after 11:00 p.m. except to conclude an event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

G. **Temporary Outdoor Lighting.** Temporary outdoor lighting is allowed in all zoning districts so long as it satisfies all the following requirements and is not deemed a nuisance or safety hazard:
1. It is temporary in nature and removed within sixty (60) days, with 180 or more consecutive days passing before reinstallation;

2. It is installed per manufacturer specifications and California Building Code;

3. It is kept clear of all flammable materials, vegetative or otherwise;

4. It is operated in the presence of a responsible party who has the capability and authority necessary to disconnect the lights if deemed necessary by the County or other state or local authority for the preservation of public or individual safety;

5. Any light projectors (patterns, lasers, etc.) are directed only at solid surfaces and do not shine across property lines or into abutting properties.

6. String lights' individual lamps have an initial lumen output less than or equal to 70 lumens.

H. Hazard Warning Luminaires and Temporary Construction Lighting. Any hazard warning luminaries and temporary construction lighting required as part of an approved project must consist of red construction lighting and, to the greatest extent feasible, meet and not exceed the federally required minimum lumen output requirement for the specific project.

Hazard warning luminaires must be installed on or within five (5) days of preparation of the project site and be removed within five (5) days upon completion of the project. All hazard warning luminaires shall be placed so as to minimize or eliminate glare to any operators of motor vehicles within sightlines of the project site.

19.50.068 Effective Date and Grandfathering of Nonconforming Luminaires:

A. This ordinance shall take effect immediately upon approval by the Board of Supervisors. Luminaires not conforming to this code that were lawfully in place before this code became effective on [INSERT DATE HERE] shall be considered a “grandfathered,” legally nonconforming use.

B. Maintenance and repair of legally nonconforming fixtures shall not affect their status as legally nonconforming. However, any structural change in the fixture shall subject the fixture to the requirements of this chapter. Legally nonconforming fixtures destroyed or damaged to an extent in excess of 50% of replacement value shall be replaced or repaired by conforming fixtures.

19.50.069 New Construction

Unless the Building or Planning Department deems it unnecessary, any new commercial projects submitted for review to the Building or Planning Department of Amador County shall be required to submit plans indicating the outdoor lighting fixture location and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices. For each fixture, the plans shall indicate the lumens, area of effect, and direction of emission.

19.50.070 Enforcement.

Enforcement of the provisions of this chapter shall follow the procedures of County Code Section 2.06. Nothing in this ordinance restricts the right of the County to abate a public nuisance.