

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF TAPE RECORDED MEETING
February 11, 2020 – 7:00 P.M.**

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The Planning Commission of the County of Amador met on Tuesday, February 11, 2020 in the Board of Supervisors Chambers at the County Administration Center, 810 Court Street, Jackson, California. The meeting was called to order at 7:00 p.m. by Chair Ryan.

COMMISSIONERS PRESENT WERE:

Planning Commissioners: Earl Curtis, District 3
Andy Byrne, Chair, District 4
Ray Ryan, Vice Chair, District 5

COMMISSIONERS ABSENT WERE:

Keith DesVoignes, District 1
Dave Wardall, District 2

Staff present:

Chuck Beatty, Planning Director
Ruslan Bratan, Planner I
Krista Ruesel, Planner I
Glenn Spitzer, Deputy County Counsel
Mary Ann Manges, Recording Secretary

NOTE: The Staff Report packet prepared for the Planning Commission is hereby incorporated into these minutes by reference as though set forth in full. Any Staff Report, recommended findings, mitigation measures, conditions or recommendations which are referred to by Commissioners in their action motions on project decisions which are contained in the Staff Reports are part of these minutes. Any written material, petitions, packets, or comments received at the hearing also become a part of these minutes. The recording tapes of this meeting are hereby incorporated into these minutes by reference and are stored in the Amador County Planning Department.

A. Pledge of Allegiance.

B. Approval of Agenda:

MOTION: It was moved by Vice Chair Byrne, seconded by Commissioner Curtis and carried to approve the agenda as presented.

AYES: Byrne, Curtis, Ryan
NOES: None
ABSENT: DesVoignes, Wardall

C. Minutes: Amended minutes from November 12, 2019

MOTION: It was moved by Vice Chair Byrne, seconded by Commissioner Curtis, and carried to approve the November 12, 2019 minutes as amended.

AYES: Byrne, Curtis, Ryan
NOES: None
ABSENT: DesVoignes, Wardall

Minutes: January 14, 2020

MOTION: It was moved by Vice Chair Byrne, seconded by Commissioner Curtis, and carried to approve the January 14, 2020 minutes as amended.

AYES: Byrne, Curtis, Ryan
NOES: None
ABSENT: DesVoignes, Wardall

- D. **Correspondence:** Letters from Bill Easton, Bill and Lucy Gore, Amanda Parker, Diane Christensen, Chris La Fargue, and Bronwyn Hogan were submitted regarding agenda Item 1.
- E. **Public Matters not on the Agenda:** None
- F. **Recent Board Actions:** Mr. Beatty shared that the Board of Supervisors held a public hearing on the Outdoor Lighting Ordinance and recommended that it be returned to the Planning Commission for a final review.
- G. **Agenda Items:**

Public Hearings

Lynn Morgan, upcountry citizen, shared that she has been disturbed, especially as a former County Supervisor, by Earl Curtis and Jeff Brown presenting opinions about ordinances being considered before the public hearings on these issues.

- Item 1 - Continued discussion and possible recommendation to the Board of Supervisors regarding a proposed amendment to Chapter 19.50 Design Standards and Findings, by adding Section 19.50.060, "Outdoor Lighting Regulations" to Amador County Code pertaining to all parcels within the unincorporated County. The amendment proposes regulation for nighttime lighting in commercial and residential districts.**

Applicant: County of Amador (Zoning Ordinance Amendment ZOA 19;9-1)

Supervisory District: All

Location: The ordinance would apply to all of the unincorporated area of Amador County which utilize outdoor lighting as described in the draft ordinance.

Chair Ryan introduced the item.

Mr. Beatty, Planning Director, shared the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Chair Ryan asked if anyone desired to speak.

Jamie Brown, longtime resident on Climax Road and educator, has been involved in star parties for the community and children and shared that astronomy is a great hook to get children interested in science. She stated that this ordinance is not just about astronomy and the dark sky, but about safety. She elaborated that focused light works a lot better, is cheaper and saves energy.

Caryl Callsen, representing the Foothill Conservancy, thanked the Commission for revisiting this again. She shared that the Conservancy supports the ordinance and that they believe that it will help to promote tourism for those that want to see the dark sky. She referred to a slide show from Inyo County that she believes was previously shared by the Conservancy that showed how downward pointing light is better for safety and also assists with electric savings. She voiced concern that light intrusion hurts bird migration. She stated that the Conservancy suggests that industrial and institutional uses be included in the ordinance so that all nonresidential areas become compliant. She shared that the Conservancy additionally suggests that there be a five-year compliance requirements nonresidential properties and that residential properties be required to comply upon change of ownership.

Susan Manning, representing Tri-County Wildlife Care, stated that she has worked with wildlife over 25 years and commented that we should do everything we can to preserve our birds since their numbers have greatly reduced in recent years. She shared that bright lights affect their migration because they navigate by natural light. She added that, as a business owner, she has changed the lights inside and is

willing to change outside lights. She commented that bright lights help keep burglars away, but that they are not a deterrent to predatory animals. She explained that there are other types of lights to deter wildlife and that there should be some agricultural exceptions and an appeal process, and that she thinks it is a good ordinance overall.

Commissioner Byrne asked about what kind of agricultural exemptions she is referring to.

Ms. Manning explained how there are predator prevention lights that are low, random, and flashing that startle the animal.

Mark Bennett, Pine Grove, shared an example of how land use laws change slowly and are always justified by noble ideas. He commented that he opposes the ordinance because it will raise the cost of housing and result in further enlargement of the government. He shared that an education campaign by dark sky proponents should be used instead.

Sherry Curtis stated that an ordinance and law is not needed and that education should be considered. She shared that discussions should be had with neighbors, that there are no places to buy dark sky compliant lights right now, and that she is concerned about the cost of enforcement. She commented that glare from the City of Sacramento and the moon already obscure dark skies, and suggested the use of campgrounds and recreational areas for viewing. She voiced that there are mostly senior citizens here and the item should be put on the ballot the County want to continue with it.

Barbara Biernacki stated that she agrees with Mark Bennett. She commented that the moon, clouds, and smoke up near Bear River cause her to not see the stars there, but that she can see them at her house. She voiced that she does not see a problem with the lights and asked who is going to pay for it.

Teresa Russo voiced that she is against this ordinance and that she does not want anyone telling her what kind of lights to put up to see animals. She said she can see stars from her house and suggest for people to invest in property so they can see the stars.

Jack Sales stated that he has over 30 years of experience with lighting and the issue of light pollution. He shared that his experience is with the International Dark Sky Association and the Illuminating Engineers of North America, and that the issue is not lighting your own property, but lighting above the horizontal plane and on your neighbor's property. He explained that almost all counties in California have an ordinance about outdoor lighting and that quite a few have an ordinance about light trespass. He shared that all of Arizona has an outdoor lighting ordinance as well as many countries around the world. He commented that this is one of the least expensive environmental issues that we have and that he is concerned about people focusing on themselves and their property. He added that he has a big concern for industrial areas and shopping centers where most of the lighting problems occur. Mr. Sales added that we will not be able to buy anything else but LEDs before long and stressed that energy efficiency is important, especially with PG&E likely raising rates. He discussed color temperature of LEDs sharing that we want to see 2700 Kelvin which is much like incandescent light. He stated that he was opposed to the original version being named the Dark Sky Ordinance because it is about more than saving the night sky. He commented that it is also about environmental and health issues along with light trespass. He asked that we think about astro-tourism and take advantage of that.

Renee Brown commented that she is opposed to the ordinance and believes that we are losing the right to choose for ourselves. She stressed that she has a good relationship with neighbors and that security lights are necessary. She shared that she can see straight up around the garden at her house, but that everything else is covered with trees. She voiced that she is visited by mountain lions, bears, and people that should not be there, and that without her dog and lights she would be frightened to live where she lives. She added that there are beautiful areas close by to see the stars.

Sandra Baker stated that she is opposed to the ordinance. She shared that there is increased crime in every city and in rural areas and that light outside is a security blanket. She commented that that crime happens in the cloak of darkness. She voiced that she does not want a small group of people telling her what to do on her own property.

Susan Port, lone resident, said there is confusion between having lights versus what kind of light we have. She explained that downward facing lights provide security and all the things people are asking for. She added that the dark skies are important to our county and that people come from the city to enjoy the stars. She stated that she strongly believes that industrial uses and the prison should be included because they are huge polluters. She commented that she hopes that her grandchildren will be able to come up and enjoy the stars like her children did.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Curtis and unanimously carried to close the public hearing.

AYES: Byrne, Curtis, Ryan
NOES: None
ABSENT: DesVoignes, Wardall

Chair Ryan stated that we need to have an open discussion on this and vote on it, but it is a good idea as staff has suggested to bring it back for a final reading of any changes before actually voting on a recommendation to the Board of Supervisors. He asked if this is agreeable and the best course of action.

Mr. Beatty said if you are going to make substantial changes, the Commission should see it in black and white before it moves onto the Board.

Commissioner Byrne asked if there are any changes that Chair Ryan would like to see.

Chair Ryan said that he has several comments that he would like to make and that he thinks this should be opened up for discussion to see if there are any substantial changes. He stated that there was a list of changes that the Commission had asked to be incorporated or modified from last meeting. He added that there was a mix up with the ordinance sent to the Board, and said that if there are additional changes that he wants to look at the possibility of bringing it back for a final review.

Wilma Garcia began to speak.

Chair Ryan stated that the hearing is closed, but asked her to come to the podium so she could be heard.

Wilma Garcia commented that she moved from the valley and loves her county and believes that her rights are being taken away and that this should be something that the community votes on. She stated that she is disappointed on many things going on in the County. She added that there are already problems with other things in the county such as with the roads and schools, and opposes this ordinance.

Chair Ryan commented that he understands Ms. Garcia's passion and that it is unfortunate that the majority of those present at the meeting have not been to previous meetings because they would have a better and clearer understanding of what this all about. He stated in the original version, there was a requirement to update lighting when individual homes are sold, and that was removed. He shared that the Commission has tried to focus on the commercial aspect of this, and on new buildings, and that there is no impact on existing residences. He stated that he is and always has been a proponent of property rights and has been against ordinances, bills, and regulations in the past. He continued that the dark sky ordinance has been a subject as long as he has been on the Commission and shared an example of how the dark sky in the Shenandoah Valley has diminished since he has lived there because of commercial growth and no lighting regulations. The ordinance controls new construction with guidance for how lighting is to be handled. He stated that it is unfortunate that not everyone has a good neighbor while

many in Amador County are. He asked for the public to look at the long list of changes that the Commission recommended to the Board to see that the real focus is on the commercial use and no one is being asked to retrofit. He added that if people want to retrofit, it is their discretion. He reminded that this ordinance is going to go before the Board of Supervisors, and that the Planning Commission is only a recommending body. He asked that if people believe that the draft ordinance is different than what has been discussed to go in front of the Board and bring up their concerns. He voiced that the last thing he wants to see is ordinances and regulations unless they are truly necessary.

Commissioner Byrne shared that the lighting technology in the last 10 years has changed dramatically. He stated that when people go to replace a bulb they think brighter is better and that it blinds you when you look at it. He voiced that people are trying to come to grips with the new technology. He added that color temperature matters, and when lighting for safety, brighter is not always better. He added that security agent groups prefer downward facing light that does not point straight into the eye. He shared that he has lived in Pine Grove over 20 years and used to be able to see the Milky Way, but now he sees a lot of glare. He stated that he believes that this is a good thing for the County and reminded that it does not affect current homes.

Commissioner Curtis stated that he wants to explain his position. He shared concerns about the changing types of illumination over the years and does not like the stipulation to have to use LED because in another 10 years there probably will be another lighting better than LEDs. He commented that an ordinance can be later changed, and that this one is a foot in the door. He shared that he has low color temperature lights at home and that he has found it hard to find fully shield lights in this area. He voiced that the commercial areas are atrocious. He stated that the rate of new home construction in this county is not high and that it is going to take time change the lighting upcountry. He believes that later on, people will be told that they have to do it. He commented that he likes the dark sky idea, but that education is a much more appropriate way to do this instead of an ordinance.

Commissioner Byrne stated that the idea is that it will arrest the light pollution at the level we have right now so that it does not continue to grow.

Commissioner Curtis responded that we could do that through education.

Chair Ryan said that it sounds like a simple solution and that he is for education, also. He stressed that this does not affect existing residences and reminded that each and every ordinance that we now have can be modified.

Commissioner Byrne agreed that any ordinance can be changed.

Chair Ryan stated that he is all for education. He shared that this effects new development where it arrests what we have today except for commercial facilities that over a certain number of years will be required to make the change. He commented that someone probably is not going to do it because they received a brochure. He added that by identifying what the parameters are, at least you are not going to intrude upon your neighbor, and reminded that once the ordinance is passed that you do not have to go out and retrofit your homes. He shared that in the future there could be a different Board or the State could require something more restrictive and that we would have to adopt it and that right now we are adopting something that fits the County. He commented that there is a list in the packet of all the modifications from the original version that the Commission made. He voiced that right now developers can build with glowing lights and there is nothing in place to stop that. He suggested to go through the list of changes in the staff report, make sure it is as the Commission asked, and to add any changes so that staff can get the ordinance drafted. He asked to postpone a decision until the next meeting which gives everyone time to read through the final draft before sending it on to the Board of Supervisors.

Mr. Beatty confirmed that generally it is published two weeks prior to the meeting.

Chair Ryan reiterated that there are two weeks to review the draft and then come to this same body to have public comment. He added that the Commission will recommend or not recommend approval to the Board of Supervisors who ultimately will vote on this ordinance. He asked if other Commissioners have problems with that or concerns.

Commissioner Byrne said he does not disagree.

Chair Ryan asked to go down the list and for the Commissioners to confirm that this is the language agreed on, or make other changes.

The Commission, Mr. Beatty, and Ms. Ruesel reviewed changes to the ordinance which were previously discussed at the December Planning Commission meeting and listed in the Staff Report.

1. Changing “Dark Sky Ordinance” to “Outdoor Lighting Regulations.” The Commission agreed that “Outdoor Lighting Regulations” is a better description.
2. Clarifying that the exemption for State and Federal projects does not include County projects. The Commission agreed that the text in the draft “government facilities” should be “State or Federal facilities” to clarify that County facilities are not exempt from the ordinance.
3. Moving “Public Gathering Lighting” to be included with Recreational Facilities. The Commission agreed to combine two sections of the ordinance into one paragraph.
4. Allowing an exemption for minor aesthetic/accent lighting. Staff questioned if the 800 lumen limit was per bulb, per fixture, or total per parcel. The Commission agreed that the exemption for minor aesthetic lighting was 800 lumens total per parcel.
5. Allowing an exemption for all airports (public and private) and all FAA-required lighting. The Commission agreed that the regulations would not apply to any airports in the County.
6. Removing the exemption for parcels over 40 acres. The Commission agreed to remove the exemption for 40 acre parcels. 40 acre parcels could have lighting near their edge which negates the intent of the exemption.
7. Removing prohibition of High Intensity Discharge (HID) lights. The Commission questioned why HIDs were in ordinance to begin. Ms. Ruesel stated in the unlikely event that if HIDs were otherwise compliant with the code, there would be no reason to exclude them. The Commission agreed.
8. Including the “A,” Agricultural and “AG,” Exclusive Agriculture districts under the residential lighting section. There was no discussion.
9. Revising the exterior lighting upper limit for Color Correlative Temperature (CCT) and luminescence in residential zones. No determination on lumens limit was made at the last meeting. Staff questioned what the intended limit was, and if it is per bulb, fixture, or parcel. The Commission directed staff to research other codes and recommend an upper limit for luminescence.
10. Removing stringent restrictions of Street Parking and Security Lighting. The Commission agreed that the item was removed from the previous draft to address the need for street parking and security.
11. Clarifying regulations for historic structures/properties. The Commission agreed that the ordinance should include state, federal, or local historic landmark designation, with the color temperature limit of 2200K, and not 3000K as is permitted in the rest of the ordinance.
12. Clarifying language regarding new construction. Chair Ryan wanted to make sure the text states that existing residential properties are grandfathered. Mr. Beatty noted that the text states “luminaires not conforming to this code that were lawfully in place before this code became effective shall be considered a grandfathered, legally nonconforming use.” Chair Ryan asked if that language is superseded anywhere in the ordinance. Mr. Beatty stated that replacement of light fixtures damaged in excess of 50% of their value would have to comply with the new code. The new code would only apply to new construction or reconstruction.
13. Requiring a lighting plan for commercial projects. There was no discussion.

Chair Ryan asked if there were any other comments or anything else to add. There was no additional discussion.

Chair Ryan stated that next step was for staff to prepare the draft and get it out to the public. He asked if it would be available online.

Mr. Beatty said the draft would be available on the Planning Department's portion of the County website as well as the News section of the main page.

Chair Ryan stated that hopefully next month there will be a full Commission able to make a decision to move the draft on to the Board.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Curtis, and carried to continue this item until the next Planning Commission meeting, scheduled for 7pm, March 10, 2020.

AYES: Byrne, Curtis, Ryan
NOES: None
ABSENT: DesVoignes, Wardall

Mr. Beatty stated that the Planning Commission has continued this public hearing until March 10, 2020.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Curtis, and carried to adjourn the meeting. The next meeting will be March 10, 2020.

Ray Ryan, Chair
Amador County Planning Commission

Mary Ann Manges, Recording Secretary
Amador County Planning Department

Chuck Beatty, Planning Director
Amador County Planning Department