

January 29, 2003

To: Sutter County Planning Commission

Re: Discussion of Lighting Requirements within Residential Districts

Background

During several past Planning Commission meetings some of the Commissioners have expressed concern with outdoor lighting in residential areas. Currently, the County's principal authority for governing lighting lies with the Zoning Code, the County's Design Guidelines, and, individually, any discretionary project subject to Commission review. Generally, those authorities provide little or no direct regulation of lighting requirements for residential projects.

Zoning Code Requirements

The Zoning Code authorized the regulation of exterior lighting in the following sections:

1500-8118(h), Exterior lightning of parking areas and buildings;

1500-8510, Design Review; and

1500-9410 (et seq), Signs.

Section 1500-8118(h) mandates a minimum level for the lighting of residential parking areas in the R-3 and R-4 zoning districts.¹ It does not provide any review authority over exterior lighting design other than to determine if the minimum standard is met. It also provides no authority to review residential lighting plans for light spillage or glare on to the adjoining properties or the public right-of-way.

Section 1500-8510 provides authority for Design Review (see discussion below).

¹ The Zoning Code requires that in residential parking areas designed for five or more vehicles that a minimum level of 0.25 foot candles of illumination be provided during the hours of darkness.

Section 1500-9410 (et seq) is the Sign Code that is included within the Zoning Code. The Sign Code regulates the lighting of signs. It generally allows the external or internal illumination of signs in all zoning districts while prohibiting flashing or “traveling” light displays. The section contains no provision to review the lighting of any sign for glare or spillage in any zoning district.

Design Review Requirements

The authority for Design Review is provided by section 1500-8510, et seq, of the Zoning Code.² Although the County has a design review process that allows staff, the Commission, or the Board to review lighting, the design review process only applies to commercial and industrial project and not to residential projects.³

Discretionary Review

The County’s most effective current tool for lighting regulation is the discretionary review of individual projects that come before it. Generally, use permits, variances, and development plans for individual projects whether they were commercial, industrial, or multiple-family residential (on those few occasion where the County actually did have the opportunity to review a multiple-family residential project) were all conditioned in some manner with lighting restrictions. In past practice, the County has not generally placed any lighting restrictions on single-family or duplex residential development projects either individually on use permits or variances, or on large multiple parcel projects such as subdivisions.⁴

On commercial and industrial projects (including agricultural-industrial uses) the County has generally imposed restrictions pertaining to light spillage, glare, and, where appropriate, parking lot minimum standards.

Staff Comments

For the Commission’s information, staff has attached several documents. The first is a copy of a Zoning News article on exterior lighting. This article provides basic background information on lighting.

Additionally, staff has included a copy of the lighting ordinances from Eatontown, New Jersey and Kennebunkport, Maine. Both ordinances were mentioned in the Zoning News article and provide the Commission with examples of lighting ordinances.

² The elements of design review or what and how staff reviews a project are contained in the separately adopted “Sutter County Design Guidelines.”

³ Section 1500-8512 of the Zoning Code.

⁴ An apparent exception appears to be the housing development approved with the Oaks Golf Course. Those restrictions were part of the Environmental Impact Report mitigation measures required as part of the project. The residential portion of the project has not been constructed yet.

The final attachment included is the New Jersey Light Pollution Study Commission Recommendations. This attachment provides a short overview of the New Jersey Commission's recommendation pertaining to light pollution as a general topic.

In reviewing the attachments as well as other reports pertaining to light pollution, several points were noted by staff. First, most spill and glare problems can be remedied by the use of cut-off shielding on lights, light directional control, light fixture height and setback requirements, and, where appropriate, control of wattage.

Second, regulation of light color and type (low or high pressure sodium vapor, mercury vapor, metal halide, etc.) is generally not an issue except in areas with a nearby astronomical observatory.

Third, most ordinances or recommendations for ordinances contain exemptions for lights that do not exceed a minimum size or wattage (50 watt incandescence or 1,800 lumens). It should be noted that even lighting fixtures not exceeding the minimum size can create problems if they are in an inappropriate location.

Finally, as was noted in one report, the post-installation enforcement of lighting requirements can become problem. When the original bulb or light burns out and the property owner or tenant replaces it, if the light is not replaced with an appropriate replacement meeting local regulation requirements, future enforcement issues may become a problem.

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

Dale Follas
Associate Planner

Attachments: Zoning News, October 1995, "Shedding Light on the Urban Landscape"
Lighting Ordinance from Eatontown, New Jersey
Lighting Ordinance from Kennebunkport, Maine
New Jersey Light Pollution Study Commission Recommendations

D:\planning commission-2003\01-15-03\reports\residential lighting