



San Bernardino County

Legislation Text

File #: 5206, Agenda Item #: 82

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

December 7, 2021

FROM

TERRI RAHHAL, Director, Land Use Services Department

SUBJECT

An Ordinance Amending Outdoor Light Standards

RECOMMENDATION(S)

1. Conduct a public hearing to consider proposed ordinance amending Title 8 of the County Code to repeal Chapter 83.07 related to glare and outdoor lighting regulations and add new light trespass regulations for outdoor lighting.
2. Find the proposed ordinance exempt from the California Environmental Quality Act pursuant to Sections 15060(c)(2) and 15061(b)(3) of the California Environmental Quality Act Guidelines.
3. Adopt the findings recommended by the Planning Commission and contained in the staff report.
4. Make alterations, if necessary, to proposed ordinance.
5. Approve introduction of the proposed ordinance.
 - An ordinance of San Bernardino County, State of California, repealing and adding Chapter 83.07 to Division 3 of Title 8 of the San Bernardino County Code relating to light trespass.
6. Adopt the ordinance.
7. Direct the Clerk of the Board to file a Notice of Exemption.

(Presenter: Terri Rahhal, Director, 387-4431)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

FINANCIAL IMPACT

Approval of this item will not result in the additional use of Discretionary Funding (Net County Cost). Sufficient appropriation and revenue to complete this action have been included in the Land Use Services Department (LUS) Planning Division 2021-22 budget.

BACKGROUND INFORMATION

The proposed ordinance would repeal and replace Chapter 83.07 of the Development Code to update and expand standards to regulate outdoor lighting based on controlling light trespass onto adjacent properties as well as unnecessary intrusion of light in dark rural skies. The ordinance updates definitions and outdoor lighting regulations by region, focusing primarily on protection of dark night skies in the Mountain and Desert Regions. The current lighting standards in the Valley Region are carried-forward with no substantial change.

Revision of the San Bernardino County (County) outdoor lighting regulations has been a long-time goal for a

group of individuals from the Morongo Basin who formed the Third District Dark Sky Committee. Members of this committee have worked with LUS in the review of many outdoor lighting ordinances as potential models for new County regulations. The proposed ordinance follows an approach that is practical in its rationale and standards for enforcement. This is the regulation of “light trespass”. Simply stated, the light trespass ordinance requires shielding of light fixtures and use of lighting products and lighting schedules that minimize trespass of light on neighboring properties and into the night sky. Protection of dark skies is a passion for many who appreciate dark night skies as a vanishing natural resource. Light pollution is so widespread that the International Dark Sky Association (IDA) was formed in 1988 to protect dark skies and preserve opportunities for the public to enjoy the beauty of starry night skies. Joshua Tree National Park is designated as a Dark Sky Park by the IDA, one of 106 locations world-wide. The Third District Dark Sky Committee and the IDA seek to protect dark skies not only in Joshua Tree, but throughout the desert and mountain regions of San Bernardino County.

Valley Region Regulations: The proposed ordinance does not change light trespass standards for the valley region, except that the enforcement method is updated to be based on light measurement utilizing a meter. The standard is a maximum of 0.5-foot candle measured at the property line of the adjacent property.

Mountain and Desert Regions: The proposed ordinance sets a stricter standard of 0.1-foot candle for light trespass in mountain and desert regions. Additional requirements to protect dark night skies are also proposed for mountain and desert properties, including:

- **Light Shielding:** Outdoor fixtures are required to be shielded to direct light downward to prevent light pollution and protect the dark sky.
- **Dark Sky Curfew:** Outdoor lighting is required to be extinguished by 11:00 p.m., at the close of business, or when people are no longer present in the lit area, whichever is later. Exceptions to the curfew are provided for:
 - Lights illuminating entry and exit points of structures, parking areas or driveways.
 - Lights activated by motion sensors that extinguish after no more than five minutes.
- **Automated Controls:** Automated controls, such as motion sensors, light sensors and timers are required to ensure compliance with the Dark Sky Curfew.
- **String Lights:** String lights are permitted, provided that the light source does not exceed 3,000 Kelvin (a scale used to describe light “temperature”), no individual lamp exceeds 40 lumens (a measure of brightness), and the totality of the string lights does not exceed 4,000 lumens.
- **Exemptions:** Lighting to illuminate streets, building addresses, permitted signs, outdoor work areas, temporary lighting for construction activities, emergencies, lighting for permitted outdoor events such as sports, lighting required for aviation safety, and holiday light displays are all exempt.
- **Compliance Timeline:** Any modifications or replacement of outdoor lighting that does not comply with the proposed ordinance would have a grace period of 18 months for commercial and industrial properties and 24 months for all other land uses.

Planning Commission

The proposed ordinance was first considered by the Planning Commission on February 4, 2021. After hearing the staff presentation and comments from the public, the Planning Commission requested a workshop to hear more detailed information about outdoor lighting and the proposed regulations.

A workshop was conducted by the Planning Commission on May 27, 2021. The workshop provided additional background information, including a demonstration of light shielding and different types of lighting by members of the Third District Dark Sky Committee. After the workshop, staff considered the presentation and input from the Planning Commission to prepare a final draft ordinance.

On September 9, 2021, the proposed ordinance was presented to the Planning Commission in a public

hearing. The Planning Commission unanimously recommended that the Board of Supervisors (Board) adopt the ordinance.

Following the Planning Commission hearing, in preparation to present the proposed ordinance to the Board, staff identified another category of lighting to exclude from the provisions of the ordinance: lighting required to safely illuminate permitted outdoor work activities. This exemption is entirely consistent with the other exemptions proposed to allow temporary outdoor construction, permitted outdoor events, and lighting required for transportation safety. Based on discussion and direction received in the Planning Commission hearing, staff also added seasonal lighting to the list of exemptions, because it was omitted by a clerical error.

California Environmental Quality Act Compliance

The proposed ordinance would amend the County Development Code for the purpose of limiting potential impacts of light and glare. Therefore, the ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15061(b)(3) of the CEQA Guidelines because it can be determined with certainty that the proposed ordinance will not have a significant effect on the environment.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jason Seales, Deputy County Counsel, 387-5455) on October 18, 2021; Finance (Kathleen Gonzalez, Administrative Analyst III, 387-5412) on October 25, 2021; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on October 29, 2021.