



# Mariposa County

Mariposa County MINUTES the Planning Commission

<http://www.mariposacounty.org/>



ART BAGGETT, CHAIR  
WARREN GRAY  
MICK HERMAN  
DENI SMITH, VICE CHAIR  
JOHN MCCAMMAN

DISTRICT I  
DISTRICT II  
DISTRICT III  
DISTRICT IV  
DISTRICT V

## PLANNING COMMISSION FINAL ACTION SUMMARY MINUTES (APPROVE 1/10/25) DECEMBER 6, 2024

### A. Call to Order and Roll Call

Chair Baggett called the meeting to order at 9:06 AM.

| Attendee Name | Title        | Status  | Arrived |
|---------------|--------------|---------|---------|
| Art Baggett   | District I   | Present | 9:00 AM |
| Warren Gray   | District II  | Present | 9:00 AM |
| Mick Herman   | District III | Present | 9:00 AM |
| Deni Smith    | District IV  | Present | 9:00 AM |
| John McCamman | District V   | Present | 9:00 AM |

### B. Pledge of Allegiance

Commissioner Gray led the pledge.

### C. Public Comment on Non-Agenda Items

Persons wishing to speak on any item of interest within the subject matter or jurisdiction of the Commission that is not on the agenda.

Brenda Ostrom (resident), expressed her concerns regarding the lack of stars seen at night due to bright lights from Dexter view and in town.

Floyd Davis (resident), provided clarification on setbacks pertaining to building codes and provided a handout.

Barry Perkins (Wawona resident), briefly touched on the importance of code enforcement.

### D. Approval of Minutes

1. Planning

**Planning Commission - Regular Meeting - November 15, 2024**

Staff recommended that the commission table the November 15, 2024 minutes to the January 10, 2025, meeting to make corrections and to include the 2022 California Building Code handout (provided by Floyd Davis) to the minute packet.

By motion of Commissioner Herman, seconded by Commissioner Smith, the Planning Commission approved to table the minutes of November 15, 2024, to the next meeting date of January 10, 2025. Motion passed.

RESULTS: APPROVED

AYES: Commissioner Baggett, Commissioner Gray, Commissioner Herman, Commissioner Smith, Commissioner McCamman.

NOES: None.

ABSTAIN: None.

EXCUSED: None.

**E. Action Items**

**1. Planning**

Adopt a Resolution Approving Year 2025 Planning Commission Meeting Dates

Baggett noted that the August 16, 2025 meeting date should be August 22, 2025.

Planning Director, Steve Engfer advised that the January 24, 2025 meeting may need to be cancelled due to the availability of the Chambers room while the first floor undergoes flooring renovation that may impact the upper level floor. Staff will provide an update once dates have been determined and the chambers room can safely be occupied.

By motion of Commissioner Smith, seconded by Commissioner McCamman, the Planning Commission adopted a resolution approving year 2025 Planning Commission Meeting Dates with the correction of the August 16, 2025 to August 22, 2025 meeting date as amended. Motion passed.

RESULTS: ADOPTED AS AMENDED

AYES: Commissioner Baggett, Commissioner Gray, Commissioner Herman, Commissioner Smith, Commissioner McCamman.

NOES: None.

ABSTAIN: None.

EXCUSED: None.

**F. Development Code Update - Planning Commission**

**1. Planning**

Planning Commission Development Code Update Draft (Zoning and Subdivision Ordinance) - Workshop No. 3

Engfer informed that the following public comments were received after the agenda packet was published:



Beth Pratt and Lucky Let, on International Dark Sky Compliance and light pollution, Debra Kroon and Yosemite Conservancy regarding articles in the Development Code Update Draft.

The hard copies of the above public comments were provided to the commission and the public.

Baggett called for recess at 9:31 AM and reconvened at 9:43 AM.

Engfer stated that this is a working draft to receive the public and Commissioner's input for recommendation to the Board of Supervisors, and highlighted the three focus areas for discussion - the Accessory Dwelling Units (17.54), Density Bonus (17.56), Bed & Breakfast and Vacation Rental (17.52).

Before Senior Planner, Ben Goger started the presentation, Commissioner McCamman directed for staff to amend the language in the staff report from "The Planning Commission recommended that staff prepare" to "The Planning Commission directed staff to prepare". McCamman's intent for the change was that he wanted it to be clear that the recommendation to the Board of Supervisors is coming from the Planning Commission and not staff.

Goger noted that the Accessory Dwelling Units (ADU's), Chapter 17.54 has been prepared for the commission's final approval and requested to forward the ordinance to the California Department of Housing and Community Development (HCD).

Baggett directed for staff to remove Section 2A, on page 89, under ADU's that state "The ADU shall not be sold or otherwise conveyed separately from the dwelling(s)." Engfer acknowledge the direction and noted that staff will redline Section 2A.

Public comments were received by the following:

Colleen Rhodes (resident), found errors in the draft development code update and suggested that staff use the search replace function, and noted that the government code section 65852.26 was a code that was repealed and should not be used as a reference.

Kris Casto (resident), asked for clarification regarding the height and setbacks requirements.

Ken Melton (resident), asked for clarification regarding the selling of an ADU's.

Rick Lobaugh (resident), asked for clarification on how many ADU's are permitted on a parcel, selling the ADU's, and the deed restriction.

Beth Pratt (wildlife advocate), spoke about the Dark Sky ordinance for the wildlife safety and offered consultant services.

Goger stated that the Density Bonus Chapter 17.56 has been prepared with the redline per the commission's direction, and added that staff required additional time to work on the workforce housing definition in relation to the density bonus. He elaborated on the reasons why a more flexible definition is better for the county. Also, to include another provision with the objective design standard for Planners. Then asked for the commission's recommendation.

The commission provided the following recommendations for staff:

- Leave the income levels out
- Density Bonus should be as flexible as possible.
- Directly reference the provision that states the Planning Director has discretion to increase the flexibility in the Density Bonus.
- Further reduce the density table.
- Keep it simple (allowing the public to bring in their proposal to meet that criteria).
- Provide an appendix instead of including the tables in the document.

Public comment was received by Colleen Rhodes, who was in agreement with McCamman regarding the simplicity of the Density Bonus.

Goger expressed appreciation to county staff for their feedbacks regarding the Bed and Breakfast and Vacation Rentals, Article 4, Chapter 17.52.060, and stated that an internal review was conducted that resulted in changes pertaining to definitions and intent, occupancy, noticing, transfer of certificate, streamlining inspections, nuisance, and compliance.

After discussion, the commission concurred with staff's recommendation to add language that allowed for some discretion upon reviewing tax code and county counsel to transfer the Transient Occupancy Tax Certificate (TOT Certificate) for vacation rentals; to include language for enclosed trash disposal considered as a nuisance; and that inspections are required for short term rentals built prior to 2016 for transfer of TOT Certificate and new applications. Lastly, to include language for lighting standards that spans across the board.

Staff noted that they will reach out to County Fire for further information regarding the presence of CAL Fire's jurisdiction for short term rentals.

Public comments received by the following:

Berry Perkins (Wawona residence), shared that the Wawona Town Planning Area has a light appendix and suggested using a down casting lighting fixture for a less expensive way to remedy the problem. Then briefly spoke about the lack of enforcement in the area, and provided input regarding the 10 person maximum in Wawona.

Ken Melton (resident), expressed disapproval of CAL Fire involvement with short term rentals regarding approvals and questioned the reasons for why they involved and spoke about lighting being a county wide nuisance definition under enforcement.

Beth Pratt (wildlife advocate), in agreement with the commissioners on nuisance of trash disposal and lighting standards to span across the board.

Kris Casto (resident), asked the commission for exceptions for operators who resides on-site for inspections, and to allow the public four years to meet the lighting standards requirement.

Berry Perkins (Wawona resident), provided a response to Ken Melton's comment regarding CAL Fire

involvements with short term rentals and expressed appreciation and welcomed CAL Fire's inspections for short term rentals.

Commissioner Herman left the meeting at 11:51 AM.

Baggett called for recess at 11:51 AM and reconvened at 12:07 PM.

Engfer provided an update on the tiny home and park model residential uses, RV's as an alternative housing option, secondary residences, specific uses and development standards, hip camp and noted that staff is working on these to bring back to the commission.

McCamman requested a re-write to code section 17.52.030, Agriculture as it includes agritourism and agri-homestay and requested a joint meeting with the Agricultural Advisory Committee (AAC) that led into a discussion. Staff advised that the AAC will be reviewing any codes related to agriculture. Also, Community Design and Housing Specialist, Polina Pivak will be providing the findings related to the Williamson Act Contract in relations to ADU's, workforce housing, and agritourism at the next Planning Commission meeting.

Engfer provided background information regarding the Code Compliance Program for the Development Code Update Enforcement Provisions, Chapter 17.144 that was directed by the Board of Supervisors that included the participation of the Code Compliance Advisory Committee (CCAC). Engfer noted that the Board directed staff to create the Abandon Vehicle Abatement Policy that staff has been working on for 2025.

Public comments were received by the following CCAC members:

Ken Melton, spoke about the findings regarding tiny homes in other jurisdiction as not being defined in the State of California or Mariposa County. He then expressed that the applicant should not be required to pay the appeals fee, that complaints should not be anonymous, and suggested that the CCAC has a joint meeting with the Planning Commission.

Gabe Edwards, spoke about the lack of knowledge the public has regarding county codes and that current county codes are out of date. He expressed that the county should not enforce new codes but apply the current codes.

Colleen Rhodes, stated that there are codes in Chapter 17.144 sections that are in violation of state law that need to be removed. Also, Title 1, 8 & 15 with code compliance issues. She agreed with McCamman regarding the abatement process and asked the commission to delegate the task to the CCAC.

Baggett noted that the CCAC can provide their recommendations to the commission.

Lydia Clary (previous CCAC member), spoke about the notice and order to abate, that a business practice to enforce code is needed that doesn't include fines, and that people need to feel safe in order for them to comply.

Kris Casto, stated that she is honored to serve on this committee and in agreement with Lydia Clary about making the public feel safe.

Ken Melton, stated that the CCAC has the ability to address the problems, and requested to provide the commission with the CCAC recommendation.

Engfer highlighted that there is a possibility for the Planning Commission and the CCAC to have a joint meeting on January 10, 2025.

**G. Commissioner Reports**

None.

**H. Information Items**

None.

**I. Future Agenda Items**

- Hapy Goat
- Unhabitable Structure (Warren Gray)

**J. Adjournment**

There being no further business, the meeting was adjourned at 1:33 PM

Respectfully submitted,

ART BAGGETT, Chair  
Mariposa County Planning Commission

SOPHEA CRAIGHEAD, Secretary  
Mariposa County Planning Commission

Note: Full audio recordings of the minutes are available from the Planning Department by request or online: [Agendas & Minutes | Mariposa County, CA - Official Website](#)

**COMMENTS RECEIVED  
AFTER PACKET  
DISTRIBUTION**



**From:** No Reply <[noreply@civicplus.com](mailto:noreply@civicplus.com)>  
**Sent:** Wednesday, December 4, 2024 6:03 AM  
**To:** Board Clerk <[board-clerk@mariposacounty.org](mailto:board-clerk@mariposacounty.org)>  
**Subject:** Public Comment Submission

Submitted by: Lucky Let  
Email Address: [varner@sti.net](mailto:varner@sti.net)

Commented on event: <https://mariposacoca.portal.civicclerk.com/event/277/overview>  
If you are having trouble viewing the URL above, cut and paste the string into your browser window.

User comment: have seen the light pollution increase in town over the decades. it's already killed off most of the animals and stressed the trees and it continues to get worse. most of the worst offenders are obvious. but this whole thing is a threat to our community and the remaining wildlife that surrounds us. i think people ought to be proud to have their house dark while they can see the night sky. and other people might just end up turning off their useless lights too. maybe they'll get a flashlight. . .





## Setback requirements for residential properties in California – 2022 Building Code

- **Front property line:** The minimum distance is 35 feet. For residential uses, the front yard road setback is 20 feet from the edge of the road right-of-way, or 45 feet from the centerline of the road right-of-way, whichever is greater.
- **Back and side property lines:** The minimum distance is 10 feet. However, if the property is less than three acres in size and served by public water, the setback from the side property line can be reduced to 10 feet, and the rear setback reduced to 20 feet.
- **Easements:** The minimum distance is 3 feet.
- **Side property lines for lots with a width of 50 feet or less:** The minimum distance is 5 feet.
- **Small or irregular lots:** The rear and side setbacks are 4 feet to the side property line and 4 feet to the rear property line. However, these setbacks can be waived for small or irregular lots that would otherwise be impossible to build on.

## Mayflower Compact – first self-government in the new world.

Short definition – “**We the people formed a government by the people for the people.**” – This is a core principle of democracy, essentially stating that the power of a government comes from the citizens, it is most prominently found in the opening words of the United States Constitution's Preamble, "We the People."

## Euclid v. Ambler Realty Co

In the 1926 Supreme Court case Village of Euclid v. Ambler Realty Co., the court ruled 6-3 in favor of the Village of Euclid, establishing the constitutionality of zoning ordinances and the authority of municipalities to regulate land use:

- **Established zoning as constitutional** - The court ruled that zoning ordinances are a valid exercise of a state's police powers.
- **Set a high bar for declaring zoning unconstitutional** - The court ruled that a zoning ordinance can only be declared unconstitutional if it is "clearly arbitrary and unreasonable and without substantial relation to public health, safety, morals, or welfare"
- **Established the practice of land-use zones** - The court established the legal precedent and constitutional justification for zoning and comprehensive land-use planning.
- **Upheld the Village of Euclid's zoning plan** - The court rejected Ambler Realty's arguments that the zoning ordinance was unconstitutional. The court concluded that the ordinance was a valid exercise of the village's police power and did not exceed the local government's authority.

The case involved the Village Council of Euclid, which established a comprehensive zoning plan in 1922. The plan outlined land use, lot sizes, and building height for each of the six zones established by the council.

## Example of Police Powers:

**1) Oregon - Jackson County – Marijuana Use Regulations** - B) Setbacks - 1) No outdoor marijuana production within 250 feet of any city limits (Example: Jacksonville, Oregon) and the White City Urban Unincorporated Community Boundary.

**2) The City of Solvang, California** has several ordinances and guidelines that apply to the Village area, including:

- **Building permits** -Any exterior changes to a commercial building in the Village area require a building permit and review and approval from the Board of Architectural Review. The permit application is available at the Building Department counter or on the city's website.
- **Sign regulations** -Signs that rotate, move, flash, or change are not allowed, except for signs in the old-world style in the village area. Outdoor decorations and merchandise that are used as attention-getting devices are also not allowed, except for those approved by the design review committee.
- **Land use** - The city encourages high-density residential development near services and transit. Commercial uses are intended to provide retail sales, services, employment, entertainment, and culture.
- **Planning and Community Development** - The city's Planning and Community Development Division promotes long-term land uses that protect the environment and foster economic prosperity. The city also aims to preserve, protect, and promote the Danish and Northern European architectural design theme in the Downtown Village.

**By use of the Police Powers, then: “We the people of Mariposa can in act laws that are by the people and for the people.”**

**Such as:**

- **Setback requirements we see fit regardless of any other regulations – case in point.**
  - The wildland urban interface (WUI) is in effect for Mariposa County and part of the current Building Code. Thus, the State Fire Marshalls has a list of mandatory materials to be used to resist fire spread. An additional setback requirement would be redundant and therefore an example of over regulations and an overreach of government that is not “By the people for the people”.
- **RV Park Models on private land.**
  - Current State Public Health Code prohibit such use. Thus, another example of regulations that are not “By the People and for the people.”
- **The use of Efficiency Dwelling Units - California's building code requires the following:**
  - A living room with at least 190 square feet of floor area
  - A separate closet
  - A kitchen sink, cooking appliance, and refrigerator with at least 30 inches of clear working space in front
  - A separate bathroom with a water closet, lavatory, and bathtub or shower
  - Light and ventilation that meets the code
  - Local ordinances may modify these requirements.
  - Developers must go through the building approval process, which may include an environmental review or conditional use permit.

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**PUBLIC COMMENT AGENDA ITEM December 6, 2024 #F**

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From Adonia Ripple <aripple@yosemite.org>

Date Thu 12/5/2024 10:32 PM

To PlanningDept <planningdept@mariposacounty.org>

Cc Art Baggett <baggett.art@gmail.com>; Ben Goger <bgoger@mariposacounty.org>; Frank Dean <FDean@yosemite.org>

Some people who received this message don't often get email from aripple@yosemite.org. [Learn why this is important](#)

Dear Mariposa County Planning Commissioners,

Yosemite Conservancy will be submitting formal comments and suggested language regarding the ongoing Mariposa County Development Code updates for your consideration in the next few weeks.

In the interim please consider the following initial suggestions for your meeting on December 6, 2024.

**Workforce Housing:** We believe that the term *Workforce Housing* needs clarity and definition in the code. Consider describing it as Rural Workforce Housing to start, given the unique attributes of a rural workforce and the type of housing and distances from work that deserve consideration for this mountainous environment. Define the type of people in this workforce that the housing is intended to serve and that they do not have to actually work at the specific housing location. NPS and Aramark are the largest employers in the County and support the largest economic driver in the County, Yosemite National Park. Identifying these employees specifically would be helpful. Employees with public safety roles such as park rangers, firefighters, and teachers are examples. Essential cooperators for operation of Yosemite National Park would also be a way to state this.

**Flexibility in Housing Typologies:** Allow for more flexible and lighter on the land housing typologies to make appropriate development more tenable. The very real fire risk and insurance costs may prohibit larger projects and disincentivize housing investments. By permitting housing units that are generally considered temporary to be used residentially such as RVs, tent cabins, tiny homes, park mobile units, and campgrounds, you would open a whole range of housing opportunities for what is primarily a seasonal work force. One need only look to historic work camps in Yosemite for inspiration on how the design codes could be created. On site-built construction is costly and can be easily lost in wildfire. Adding considerations for housing types that are simple to erect and can be removed easily, as well as RV parks and campgrounds will most easily expand opportunities to house this largely summer work force. Standards could be developed to provide a consistent appearance.

**Density Bonuses:** We would like to see extensive consideration of density bonuses for all zoning types and include workforce housing as eligible in addition to the typical affordable housing bonus. A recent study found there to be a 300-employee bed deficit just for the National Park Service in Yosemite. A key move to meet this is to allow for denser, multifamily and mixed-use development. Density bonuses are essential to house staff efficiently. Part of what makes El Portal such a desirable park community is the density. While people enjoy the rural life, having a sense of community, neighbors to socialize with, and resources close at hand is what creates staying power for park employees. Communities like Yosemite West that are primarily occupied by short term vacation rentals could develop a much stronger sense of



community for year-round and seasonal employees of the park, if denser, residential construction was permitted.

Thank you for your consideration of these initial comments. We will send along our formal input by mid-January.

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**Adonia Ripple**

*She / Her*

Chief of Yosemite Operations

Yosemite Conservancy

[yosemite.org](http://yosemite.org)

209-379-2050



***Yosemite Conservancy is celebrating a Century of Conservation!***

*For 100 years, we've helped people protect and connect with Yosemite through philanthropy, volunteering, adventures, and the arts. We're the only nonprofit dedicated to supporting Yosemite National Park, and we fund grants to improve trails, restore habitat, protect wildlife, and inspire the next generation of nature lovers.*

*Learn more and get involved at [yosemite.org](http://yosemite.org)*

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**PUBLIC COMMENT ITEM #F -- Development Code Update**

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From Debra K <duk@sti.net>

Date Thu 12/5/2024 6:24 PM

To PlanningDept <planningdept@mariposacounty.org>

Cc Rosemarie Smallcombe <rsmallcombe@mariposacounty.org>

 1 attachment (317 KB)

Comments from Debra Kroon.pdf;

*Pdf attached for your convenience; see below for comments from Debra Kroon.*

<<...>>

**Greetings:**

Having reviewed the proposed Title 17 update, please see my comments below. Some are concerns, some items request clarification, some are proofreading notes – but all are part of my desire to have the final adopted version be without need of amendment during the first few years. It was a long processing adopting Title 17 circa 1985, as all zoning prior to that time was done by resolution and by ordinance.

**Comments re Article 3 – Regulations Applicable to All Zones**

17.38.040.K.4 and 17.38.040.K.6: "On-street" should be changed to "off-street". Yosemite West does have extensive road right-of-way between the pavement berm and the property line in many locations; the community does not object to people using the dirt area between the paved berm and the property line for parking. However, *no one* truly wants to have parking permitted on the paved portions of the streets at Yosemite West (which I would consider as "on-street"); in fact, parking on the pavement is prohibited during snow removal times.

Note that on-street, off-street, on-site, and off-site are not included as definitions in Article 9.

Table 3-1: Are parking spaces for homes, B&Bs, and vacation rentals 9 ft x 19 ft? 17.38.050.5 requires 9 ft x 20 ft for a parking space. Both of these are a change from the current requirement.

**Comments re Article 4 – Regulations for Specific Land Uses**

Table of Contents – Figures: No table of figures entries found.

My suggestion: If no figure entries, then discard "Figures" from Table of Contents; if there are figure entries to be included in the Table of Contents, this still needs to be done. There were no 'figure' entries doing a search in Article 4.

17.50.010.B.4 – last line: suggest “on which the use occurs.” Rather than “on which the use(s) is located.” Alternately, it could read “on which the use(s) is/are located.”

17.52.020.B – The term “adult-oriented businesses and entertainment” does not exist in Article 2; the only potential category would be “Recreation and Entertainment”. According to the definitions, the only entertainment definition which *does not* specifically exclude adult-oriented businesses and entertainment is Guest Ranch. It should be quite clear and *very* specific as to where this type of activity is and is not allowed.

17.52.020.E – It appears only a CUP is required for a Guest Ranch in AE, GF, and TE zones. Personally, I would much prefer that no one is driving through Yosemite West to reach one of the 40-acre or larger outlying parcels in order to partake of this type of entertainment. Perhaps you could add requirements for access to be provided by paved roads of at least 24-ft width (or whatever is the *current* minimum two-lane road width, including shoulders), as one would expect consumption of “adult substances” upon the premises or in the parking area as typical for this type of business.

17.52.030.C.2 – fifth line – perhaps insert “ever” between “shall” and “be”, as improper operations are addressed in the following sentence. We do wish to preserve and encourage our agricultural roots in Mariposa County.

17.52.030.C.3 – please eliminate “the burden shall be upon” in the second line, resulting in the sentence then reading *In any enforcement action to determine . . . the landowner, tenant, or person . . . to provide evidence . . .* etc. Those complaining need to bear the burden of establishing the nuisance factor for existing ag operations when continuing operations as they have for years.

17.52.040.F.1 first line change “91)” to “(1)”.

17.52.060.D.1 – when Title 17 was first adopted, it did not include vacation rentals but did include B&Bs. Around 1991, vacation rentals were included in Title 17 by adding them to the B&B section, which is where the three-bedroom limit for B&Bs (not including bedrooms occupied by the B&B operator/family) was extended to vacation rentals. When B&Bs were allowed to have up to five bedrooms, it would have made sense to allow vacation rentals five bedrooms (since vacation rentals’ bedroom count came from B&B guest bedroom allotment). The maximum occupancy of ten people per vacation rental should suffice, allowing individual owners to offer that capacity whether in three, four, or five bedrooms. Thus I support the proposed revisions.

Note that in removing the maximum occupancy signage from 17.52.060.D.2 (proposed revision), there is a conflict with 17.52.060.D.4.a.(2), which references the maximum occupancy sign. Perhaps adding the language to 17.52.060.D.4.a.(2) would solve this issue. Alternately, the maximum occupancy could be stated on the interior sign required in 17.52.060.D.6.b as item (9).

17.52.140.D – first line: Change “Types.” to “Types:”

17.54.040.D.5 – “an” rather than “and”

**Title 16 – Subdivision Regulations – Article 5 – Subdivision Ordinance** was accessed when attempting to review Article 5 of Title 17; did not review this or any other portion of Title 16.

**Apparently there is NO Article 5 under Title 17;** checked September and October updates and also found no Article 5 for Title 17.

**Comments re Article 6 – Nonconforming Uses, Structures, and Parcels**



17.92.010.F.5.a. Revise "a another" to "another".

17.96.020 – Modification of Legal Nonconforming Parcels: Please review this section with consideration to the fact that Yosemite West Unit #1 has 293 homesites (both land and with homes) that generally are about 1/4-acre in size, with a 2 1/2-acre minimum zone. Lot Line Adjustments are sometimes necessary, which will automatically result in neither parcel being able to meet the minimum parcel size. Perhaps there is a means of addressing LLAs within existing Approved Subdivisions (17.96.010.A) without requiring 17.96.020.B – Minimum Parcel Size Standards (which requires approval but only by meeting four criteria).

**Comments re Article 7 – Permit Processing Procedures** (note: only quickly scanned, not thoroughly reviewed)

17.102.080.A.5 – suggest slightly altering last line to read: time period may be extended one time, for a one hundred and eighty (180) day period.

17.102.080.D.a – third line, suggest changing to read "in order to inspect to confirm"; eliminates need for "an" and "(s)" after inspections.

17.110.040.f – third line "twelve", rather than "twelve".

17.112.050 – suggest elimination of any hyphens/dashes between ")" and "day" (occurs several times).

17.114.020.B.1.b – side and rear yard setbacks of no closer than three feet to any property line (setbacks reduced by not more than 40% of minimum) seems rather close *unless property is small*, which means it likely is already within a Town Planning Area and thus would have lesser provisions. Does affect the neighboring property when a large distance between buildings suddenly becomes only a few feet. Have personal experience with this happening outside of Mariposa County; changed character of small neighborhood with construction of large footprint home replacing small cabin (covering 25% of land). Rural feel is lost when "McMansions" are built adjacent or in a row on parcels of a third-acre or smaller.

Note: May be of value for consistency to have response within fourteen (14) days, rather than ten (10) days for Scenic Highway Review Plan 17.110.020.C 1 and 3, rather than having two different deadlines for Planning Department response (17.110.020.A.2.c; 17.110.020.B.2.c; 17.116.020, first paragraph line four; 17.118.020.C).

**Comments re Article 8 – Development Code Administration**

17.132.030.C. last sentence is a concern. Item B states that Public Hearings are Required. Item C states that Notice of Hearings are Required, not only in compliance with 17.136 but also with Government Code Sections 65090 and 65091. The last sentence then reads: **Any failure to provide required public notices shall not invalidate any proceedings for an amendment.** The failure to provide required public notices should necessitate re-scheduling of the proceedings at no cost to the applicant and with assurance that required public notices are provided. My suggestion is to strike the last sentence in its entirety.

17.132.030.D – last line – General Plan should be capitalized, since this is the only reference to the General Plan in Article 8 wherein General Plan appears in all lowercase letters.

17.134.030.B.7 – third line needs a space immediately following "(25)".

17.136.020.B.2.b.(2) – second line needs an additional indentation

17.136.060.A. – Needs clarification as to whether it is effective on the *30<sup>th</sup> day following* –or- the 31<sup>st</sup> day following (the latter would make the example effective date Nov. 1, not Oct. 31). The 31<sup>st</sup> day *following* (as currently written) would mean adding 31 days to the current date to reach the effective date. Note that it is *30<sup>th</sup> day following* when used in Article 7.

17.138.020.B – sixth line should read “his/her/its” for consistency, rather than his/her (its).

17.138.080.A – first line needs a space between thirty-six and (36).

17.140.020.C.2 – am not sure why Yosemite National Park is designated as the 17<sup>th</sup> area having or needing an area plan, since El Portal (6 – includes NPS administrative site), Foresta (8), Wawona (15), and Yosemite West (16) are already noted as having or needing an area plan. To my knowledge, Aspen Valley and Hodgdon Meadow are the only other areas under private ownership within the Park boundary, and those are both located in Tuolumne County. Unless the Federal Government is willing to have Mariposa County institute an overlay on their Yosemite National Park jurisdiction, it seems like 16 areas will suffice.

17.144.040 – third line – suggest capitalizing County Code, presuming this includes any aspect of the County Code and is not restricted to County Development Code.

### **Comments re Article 9 – Definitions**

Private Water or Sewer System is *not* defined; Public Water or Sewer System is defined as two or more parcels sharing water or sewer system. In common real estate usage, a well shared by 2 to 4 parcels is considered a “shared well” (as opposed to a private well serving just one parcel); when a well serves more than four parcels, it *then* becomes a water system (and is subject to State water quality requirements for testing and maintenance).

There are no definitions given for on-street, on-site, and off-site.

“Passive Recreation Trail” should be listed *after* “Parks and Playgrounds”, rather than being the first entry for the letter P. Did not double-check all entries for proper alphabetical placement but suggest this be considered.

“Street, Private” and “Street, Public” are not defined but rather refers readers to “see” “Road, Private” and “Road, Public”, neither of which appear in definitions (after “Retail Sales, Restricted”, the next definition is for “Roofline”).

“Wireless communication facility – Minor” should read “Wireless Communication Facility – Minor”.

Thank you for your time and consideration in reviewing these comments.

Debra Kroon

Property Owner, Yosemite West

Broker-Officer, Yosemite West Real Estate, Inc.



Member, Yosemite West District Advisory Committee



## Greetings:

Having reviewed the proposed Title 17 update, please see my comments below. Some are concerns, some items request clarification, some are proofreading notes – but all are part of my desire to have the final adopted version be without need of amendment during the first few years. It was a long process adopting Title 17 circa 1985, as all zoning prior to that time was done by resolution and by ordinance.

## Comments re Article 3 – Regulations Applicable to All Zones

17.38.040.K.4 and 17.38.040.K.6: “On-street” should be changed to “off-street”. Yosemite West does have extensive road right-of-way between the pavement berm and the property line in many locations; the community does not object to people using the dirt area between the paved berm and the property line for parking. However, *no one* truly wants to have parking permitted on the paved portions of the streets at Yosemite West (which I would consider as “on-street”); in fact, parking on the pavement is prohibited during snow removal times.

Note that on-street, off-street, on-site, and off-site are not included as definitions in Article 9.

Table 3-1: Are parking spaces for homes, B&Bs, and vacation rentals 9 ft x 19 ft? 17.38.050.5 requires 9 ft x 20 ft for a parking space. Both of these are a change from the current requirement.

## Comments re Article 4 – Regulations for Specific Land Uses

Table of Contents – Figures: No table of figures entries found.

My suggestion: If no figure entries, then discard “Figures” from Table of Contents; if there are figure entries to be included in the Table of Contents, this still needs to be done. There were no ‘figure’ entries doing a search in Article 4.

17.50.010.B.4 – last line: suggest “on which the use occurs.” Rather than “on which the use(s) is located.” Alternately, it could read “on which the use(s) is/are located.”

17.52.020.B – The term “adult-oriented businesses and entertainment” does not exist in Article 2; the only potential category would be “Recreation and Entertainment”. According to the definitions, the only entertainment definition which *does not* specifically exclude adult-oriented businesses and entertainment is Guest Ranch. It should be quite clear and *very* specific as to where this type of activity is and is not allowed.

17.52.020.E – It appears only a CUP is required for a Guest Ranch in AE, GF, and TE zones. Personally, I would much prefer that no one is driving through Yosemite West to reach one of the 40-acre or larger outlying parcels in order to partake of this type of entertainment. Perhaps you could add requirements for access to be provided by paved roads of at least 24-ft width (or whatever is the *current* minimum two-lane road width, including shoulders), as one would expect consumption of “adult substances” upon the premises or in the parking area as typical for this type of business.

17.52.030.C.2 – fifth line – perhaps insert “ever” between “shall” and “be”, as improper operations are addressed in the following sentence. We do wish to preserve and encourage our agricultural roots in Mariposa County.

17.52.030.C.3 – please eliminate “the burden shall be upon” in the second line, resulting in the sentence then reading *In any enforcement action to determine . . . the landowner, tenant, or person . . . to provide evidence . . .* etc. Those complaining need to bear the burden of establishing the nuisance factor for existing ag operations when continuing operations as they have for years.

17.52.040.F.1 first line change “91)” to “(1)”.

17.52.060.D.1 – when Title 17 was first adopted, it did not include vacation rentals but did include B&Bs. Around 1991, vacation rentals were included in Title 17 by adding them to the B&B section, which is where the three-bedroom limit for B&Bs (not including bedrooms occupied by the B&B operator/family) was extended to vacation rentals. When B&Bs were allowed to have up to five bedrooms, it would have made sense to allow vacation rentals five bedrooms (since vacation rentals’ bedroom count came from B&B guest bedroom allotment). The maximum occupancy of ten people per vacation rental should suffice, allowing individual owners to offer that capacity whether in three, four, or five bedrooms. Thus I support the proposed revisions.

Note that in removing the maximum occupancy signage from 17.52.060.D.2 (proposed revision), there is a conflict with 17.52.060.D.4.a.(2), which references the maximum occupancy sign. Perhaps adding the language to 17.52.060.D.4.a.(2) would solve this issue. Alternately, the maximum occupancy could be stated on the interior sign required in 17.52.060.D.6.b as item (9).

17.52.140.D – first line: Change “Types.” to “Types:”

17.54.040.D.5 – “an” rather than “and”

**Title 16 – Subdivision Regulations – Article 5 – Subdivision Ordinance** was accessed when attempting to review Article 5 of Title 17; did not review this or any other portion of Title 16.

**Apparently there is NO Article 5 under Title 17;** checked September and October updates and also found no Article 5 for Title 17.

#### **Comments re Article 6 – Nonconforming Uses, Structures, and Parcels**

17.92.010.F.5.a. Revise “a another” to “another”.

17.96.020 – Modification of Legal Nonconforming Parcels: Please review this section with consideration to the fact that Yosemite West Unit #1 has 293 homesites (both land and with homes) that generally are about 1/4-acre in size, with a 2 1/2-acre minimum zone. Lot Line Adjustments are sometimes necessary, which will automatically result in neither parcel being able to meet the minimum parcel size. Perhaps there is a means of addressing LLAs within existing Approved Subdivisions (17.96.010.A) without requiring 17.96.020.B – Minimum Parcel Size Standards (which requires approval but only by meeting four criteria).

#### **Comments re Article 7 – Permit Processing Procedures** (note: only quickly scanned, not thoroughly reviewed)

17.102.080.A.5 – suggest slightly altering last line to read: time period may be extended one time, for a one hundred and eighty (180) day period.

17.102.080.D.a – third line, suggest changing to read “in order to inspect to confirm”; eliminates need for “an” and “(s)” after inspections.

17.110.040.f – third line “twelve”, rather than “twelve”.

17.112.050 – suggest elimination of any hyphens/dashes between “)” and “day” (occurs several times).

17.114.020.B.1.b – side and rear yard setbacks of no closer than three feet to any property line (setbacks reduced by not more than 40% of minimum) seems rather close *unless property is small*, which means it likely is already within a Town Planning Area and thus would have lesser provisions. Does affect the neighboring property when a large distance between buildings suddenly becomes only a few feet. Have personal experience with this happening outside of Mariposa County; changed character of small neighborhood with construction of large footprint

home replacing small cabin (covering 25% of land). Rural feel is lost when “McMansions” are built adjacent or in a row on parcels of a third-acre or smaller.

Note: *May* be of value for consistency to have response within fourteen (14) days, rather than ten (10) days for Scenic Highway Review Plan 17.110.020.C 1 and 3, rather than having two different deadlines for Planning Department response (17.110.020.A.2.c; 17.110.020.B.2.c; 17.116.020, first paragraph line four; 17.118.020.C).

### **Comments re Article 8 – Development Code Administration**

17.132.030.C. last sentence is a concern. Item B states that Public Hearings are Required. Item C states that Notice of Hearings are Required, not only in compliance with 17.136 but also with Government Code Sections 65090 and 65091. The last sentence then reads: **Any failure to provide required public notices shall not invalidate any proceedings for an amendment.** The failure to provide required public notices should necessitate re-scheduling of the proceedings at no cost to the applicant and with assurance that required public notices are provided. My suggestion is to strike the last sentence in its entirety.

17.132.030.D – last line – General Plan should be capitalized, since this is the only reference to the General Plan in Article 8 wherein General Plan appears in all lowercase letters.

17.134.030.B.7 – third line needs a space immediately following “(25)”.

17.136.020.B.2.b.(2) – second line needs an additional indentation

17.136.060.A. – Needs clarification as to whether it is effective on the 30<sup>th</sup> day following –or– the 31<sup>st</sup> day following (the latter would make the example effective date Nov. 1, not Oct. 31). The 31<sup>st</sup> day *following* (as currently written) would mean adding 31 days to the current date to reach the effective date. Note that it is 30<sup>th</sup> day *following* when used in Article 7.

17.138.020.B – sixth line should read “his/her/its” for consistency, rather than his/her (its).

17.138.080.A – first line needs a space between thirty-six and (36).

17.140.020.C.2 – am not sure why Yosemite National Park is designated as the 17<sup>th</sup> area having or needing an area plan, since El Portal (6 – includes NPS administrative site), Foresta (8), Wawona (15), and Yosemite West (16) are already noted as having or needing an area plan. To my knowledge, Aspen Valley and Hodgdon Meadow are the only other areas under private ownership within the Park boundary, and those are both located in Tuolumne County. Unless



the Federal Government is willing to have Mariposa County institute an overlay on their Yosemite National Park jurisdiction, it seems like 16 areas will suffice.

17.144.040 – third line – suggest capitalizing County Code, presuming this includes any aspect of the County Code and is not restricted to County Development Code.

### **Comments re Article 9 – Definitions**

Private Water or Sewer System is *not* defined; Public Water or Sewer System is defined as two or more parcels sharing water or sewer system. In common real estate usage, a well shared by 2 to 4 parcels is considered a “shared well” (as opposed to a private well serving just one parcel); when a well serves more than four parcels, it *then* becomes a water system (and is subject to State water quality requirements for testing and maintenance).

There are no definitions given for on-street, on-site, and off-site.

“Passive Recreation Trail” should be listed *after* “Parks and Playgrounds”, rather than being the first entry for the letter P. Did not double-check all entries for proper alphabetical placement but suggest this be considered.

“Street, Private” and “Street, Public” are not defined but rather refers readers to “see” “Road, Private” and “Road, Public”, neither of which appear in definitions (after “Retail Sales, Restricted”, the next definition is for “Roofline”).

“Wireless communication facility – Minor” should read “Wireless Communication Facility – Minor”.

Thank you for your time and consideration in reviewing these comments.

Debra Kroon  
Property Owner, Yosemite West  
Broker-Officer, Yosemite West Real Estate, Inc.  
Member, Yosemite West District Advisory Committee





Outlook

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## Written comment for 12/6 Planning Commission Meeting

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**From** Beth Pratt <bpratt1@mac.com>

**Date** Thu 12/5/2024 5:06 PM

**To** PlanningDept <planningdept@mariposacounty.org>

 2 attachments (3 MB)

Mariposa Planning Commission Letter 12052024.pdf; DarkSky Policy\_OL Municipal Ordinance Template and User Guide\_v1.0 with ToU Agreement (1).pdf;

Some people who received this message don't often get email from bpratt1@mac.com. [Learn why this is important](#)

Submitting the attached for written comment for the 12/6/24 meeting.

Thank you.

Beth Pratt

Conservation leader, author, wildlife advocate

[Email: bpratt1@mac.com](mailto:bpratt1@mac.com)

Cell: (209) 620-6271 Office: (209) 966-2623

[www.bethpratt.com](http://www.bethpratt.com)

"Let us develop respect for all living things." Jane Goodall



December 5, 2024

Mariposa County Planning Commission  
Government Center Board Chambers  
Mariposa County Government Center  
5100 Bullion Street, Second Floor, Mariposa, CA 95338

Dear Mariposa County Planning Commission:

Art Baggett  
Warren Gray  
Mick Herman  
Deni Smith  
John McCamman

My name is Beth Pratt, and I have been a resident of Midpines for 26 years. I have served in environmental leadership roles for over 35 years, and currently oversee wildlife conservation projects across California and beyond. I have also studied the local wildlife here extensively. My new book, *Yosemite Wildlife*, will be published next year. I love Mariposa County, and enjoy the natural environment it offers as well as the wonderful community of people.

Like many, I chose to live in Mariposa County because of the incredible natural landscape, the proximity to wildlife, and the ability to connect to nature. Many of us who work remotely make the choice to live here because of these characteristics of the area, and this brings economic benefits to local businesses given we can spend our salaries and pay taxes in the county. I also cherish this area for continuing to uphold the rural community values that protect this natural landscape and the wild world, and also the social fabric that accompanies it. Mariposa County is also treasured by visitors for their ability to spend time in the natural world, encounter wildlife, and view the spectacular scenery, and of course this also is a major driver of our local economy.

We need look no further than places like Oakhurst or Sonora to witness the troubling issues that come with overdevelopment and outsized growth. Indeed, a loss of our rural community character can also result in the alienation of residents and tourists who choose to go elsewhere to seek escape from an overdeveloped landscape that starts to banish the very natural world and rural community values they once sought here.

I want to ensure that all of our cherished values endure. As such, I am writing to ask that the Planning Commission as part of its updated Development Code include the [International Dark Sky Places program](#) and guidelines. Adopting either all or part of these guidelines will not only ensure we retain a major component of the rural character of our region, but also ensure the health of people, protect our wildlife, save energy, and preserve the economic advantage we possess for protecting the natural world and night sky viewing in our County and in and around Yosemite.

[Light pollution is a growing concern across the globe](#) and has impacts on both people and wildlife. Mariposa County currently possesses very little light pollution as compared with the rest of the state, and it's in the best interest of our community to maintain this standard. The impacts of light pollution have been well studied. I offer links to scientific literature in the appendix. In summary, as Dark Sky International notes:

*"A growing body of evidence links the brightening night sky directly to measurable negative impacts on:*

- *Wildlife and ecosystems*
- *Human health*
- *Energy and climate change*
- *Crime and safety*
- *Night sky heritage..."*

Mariposa County already features information about light pollution and "good neighbor" [lighting guidelines on its website](#). This is a segment from the materials featured:

## Wildlife

From bird feeders to firefly chases, many people like to experience wildlife in their backyard. But bright light throughout the night can have calamitous effects on animals, insects, and plants. As humans expand into more rural areas, our light pollution produces a continual state of "twilight" in the habitats around us. This twilight affects the mating habits, feeding patterns, and navigational skills of mammals, birds, amphibians, reptiles, and insects. Even certain trees are induced to shed their leaves out of cycle, disrupting the basis of the food chain. Scientists and researchers are only now beginning to understand the long term impacts of artificial light at night on ecosystems. Smart lighting choices can help restore the environmental balance in your neighborhood.

As the [International Dark Sky Places program](#) website states, "the program is recognized worldwide for protecting dark sites and communities through responsible lighting policies and public education." The benefits of the program include:

- Brings attention to the problem of light pollution and the need to preserve the night sky as a natural resource
- Supports management agencies in achieving long-term conservation targets and connecting people to nature
- Serves as an economic driver by fostering increased tourism and local economic activity

I know many in Mariposa County share these values and would agree with us joining this program. When Caltrans recently installed outsized lighted crosswalks signs in the historic area, many protested and they were reduced. Many of us who live here treasure the historic Mariposa character and want to preserve it. As the County grows, a lighting program would help to guide people to respect the rural character of the region, preserve our economic advantage as a county where people can experience the natural world, help us be good neighbors to each other, and also as noted, protect the wildlife we all treasure.



As we grow, we need to develop a shared set of values that does not allow for diminishing or harming the natural world and threatening our rural character. For example, the last few years, as part of the Christmas decoration season, a resident has erected a flashing spotlight that can be seen for over twenty miles and has run nightly for over a month in the past. I (and many others) have no issues with Christmas lights, and enjoy them (I actually love the giant Santa the same resident placed on their property), but a spotlight that can be seen as far as Cathey's Valley from Mariposa is beyond any reasonable Christmas decoration. The footprint is outsized—people can usually choose to drive past or look away from normal holiday lights on someone's home, but this light is forced upon people miles away. Although many support the light, it has also drawn numerous complaints from residents and comments from visitors about its inappropriate nature.

Please see the appendix for our initial attempts to educate via social media. Unfortunately, trying to ask for a compromise, as you can see from the correspondence, resulted in a response from of accusing us of being selfish, asking us to look beyond ourselves, and telling us we were lucky they didn't buy the more powerful light. I offer this example not to penalize the owner, but to demonstrate that attempts to educate and appeals to moderation have not been successful. We respect their desire to give back to the community and celebrate the holiday. Yet when the method of doing so disrupts others in the community and has the potential to cause harm or death to wildlife, we simply want to request moderation.

Since we seem to be at an impasse in this community over this lighting issue, we turn to leadership at the Planning Commission to help us develop a solution. A shared community commitment is what is needed to for a balanced approach, and to also prevent the problem from getting worse. Many have asked what if others started erecting similar spotlights? The harm would increase and also aesthetically, I don't think many of us want Mariposa to start looking like a city street filled with commercial spotlights.

Joining the International Dark Sky program does not mean the people cannot decorate for the holidays. It would instead offer reasonable guidelines so that home and business lighting, along with holiday decorations, limit the impact of light pollution. However, I would also offer that instead of encouraging "light up Mariposa" to attract people to the area during the holidays, why not promote our town as being a leader as part of the International Dark Sky program, and promote access to the magnificent natural light show of the night sky, which many already travel here or live here to experience (see appendix). This indeed is an economic asset that does not use energy, cause disruption, or harm wildlife.

For all the reasons stated above, cities across the world are adopting dark sky initiatives, doing everything from going dark during peak bird migration, to changing out streetlights with dark sky friendly fixtures to minimize light disturbance. I work on light pollution issues in Los Angeles, and we are designing a wildlife corridor to limit light impacts. The city of Los Angeles has also instituted a pilot program with its planning department to offer guidelines for building, with light pollution parameters included.



Yet it's not just the urban areas—rural areas across the globe as well are adopting these standards to preserve their natural character. Dark Sky registered communities across the United States include places like Beverly Shores, Indiana; Blanco, Texas; Borrego Springs, California; Groveland, Florida; Ketchum, Idaho; and many more.

I urge Mariposa to join these communities in becoming certified as part of the International Dark Sky program or at the very least adopting some of their guidelines to into the code to be consistent with Mariposa County's own stated principles of reducing light pollution and desiring good neighbor lighting standards.

I have attached a template for a municipal ordinance that was developed by Dark Sky International for reference. Although the Commission may not wish to adopt all of this ordinance, at this time I am specifically recommending a version of this requirement be adopted to comply and clarify Mariposa County's good neighbor lighting standards:

Lighting for both commercial and residential shall comply with Light Trespass standards below:

**Trespass:** *Light Trespass* shall meet the following standards:

1. *Luminaire* light sources shall not be visible from federal or state designated wilderness, natural area, habitat, or reserves, and *Light Trespass* shall measure no greater than 0.1 *Lux*.
2. *Light Trespass* onto Waters of the United States shall measure no greater than 1 *Lux*.
3. *Light Trespass* onto *Residential Use* property shall measure no greater than 1 *Lux*.

Building on the above, I am happy to work with the Planning Commission and staff to develop standards for the new code that ensure our community retains its rural character, preserves our wild heritage, and shows care for the health and well-being of our residents.

I thank you for your consideration.

Sincerely,

Beth Pratt  
Midpines resident

# Appendix

## **Mariposa County website information on light pollution and guidance on Good Neighbor lighting**

From <https://www.mariposacounty.org/1362/Lighting>

### **Wildlife**

From bird feeders to firefly chases, many people like to experience wildlife in their backyard. But bright light throughout the night can have calamitous effects on animals, insects, and plants. As humans expand into more rural areas, our light pollution produces a continual state of “twilight” in the habitats around us. This twilight affects the mating habits, feeding patterns, and navigational skills of mammals, birds, amphibians, reptiles, and insects. Even certain trees are induced to shed their leaves out of cycle, disrupting the basis of the food chain. Scientists and researchers are only now beginning to understand the long term impacts of artificial light at night on ecosystems. Smart lighting choices can help restore the environmental balance in your neighborhood.

### **Information on light pollution**

#### **Dark Sky International**

<https://darksky.org/resources/what-is-light-pollution/>

<https://darksky.org/resources/what-is-light-pollution/effects/wildlife-ecosystems/>

#### **Scientific America**

<https://www.scientificamerican.com/article/light-pollution-is-dimming-our-view-of-the-sky-and-its-getting-worse/>

#### **Science Magazine**

<https://www.science.org/toc/science/380/6650>



Dr. Travis Longcore, UCLA

<https://travislongcore.net/research/light-pollution/>

National Geographic

<https://education.nationalgeographic.org/resource/light-pollution/>

**Photo of spotlight from highway 140 heading toward Midpines**



Yosemite National Park posts on visitors seeking out our stargazing opportunities



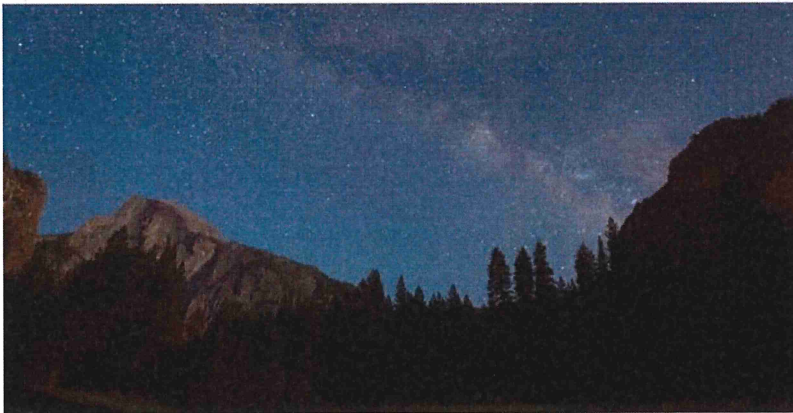
Yosemite National Park ✓

Aug 28 • 🌐

When was the last time you experienced a Dark Night Sky?

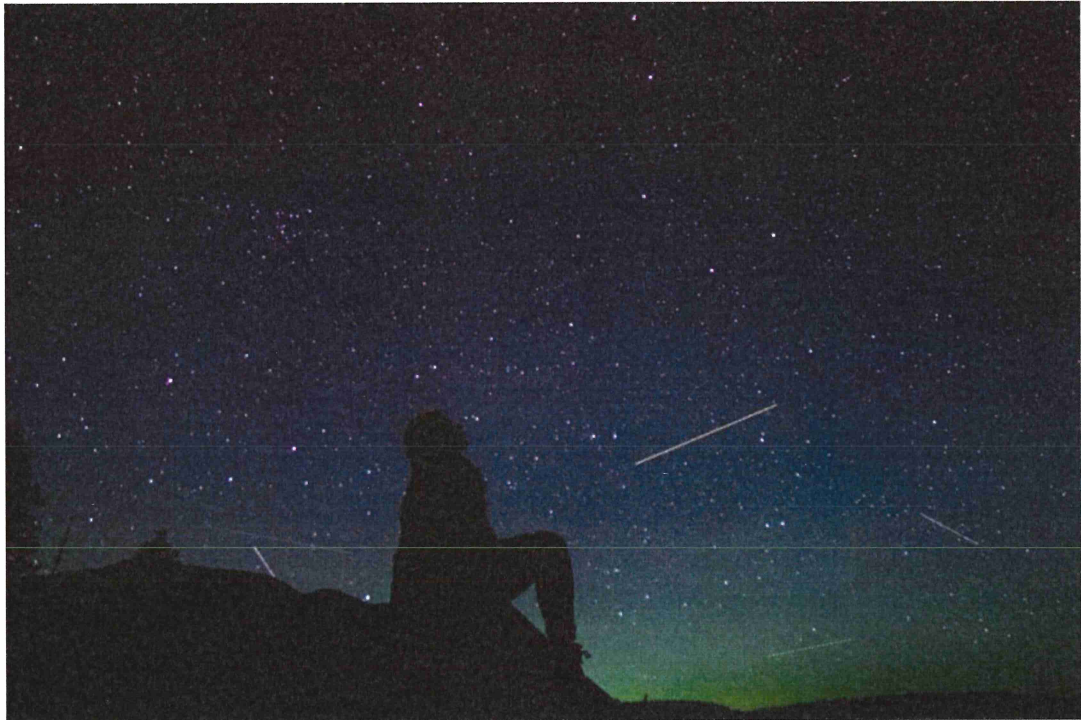
Many of our visitors come to Yosemite from cities and urban areas that offer diminished stargazing opportunities due to light pollution. People have and continue to use stars to navigate, tell stories, and orient themselves in the cosmos- physically and metaphorically.

Night sky quality measurements over Tuolumne Meadows indicate near-pristine conditions, making this the perfect location to join us for a Full Moon program, offered on August 30, and September 29. Meet at Lembert Dome parking area at 6:30 pm and bring something to sit on for the hour-long program. Dress warm and be prepared for an easy stroll.





## Stargazing



Glacier Point provides excellent night sky viewing during summer.  
*Photo by J Zamudio*

Yosemite National Park, miles from the nearest city lights, has a very dark night sky that makes it a great place to look at the stars.

Bring along a star chart and look for constellations, or look through binoculars at some of our planetary neighbors.

In June, July, and August, amateur astronomers often set up telescopes at Glacier Point on Saturdays, and astronomy walks or talks may also be offered in Yosemite Valley, Tuolumne Meadows, and Wawona.

Check **Yosemite Guide** for the current schedule.

**Original outreach to spotlight owner on social with their response.**

12:12



Mariposa Chat.



Marip

Dec 3, 2019 ·



**Beth Pratt**

I wonder if he would just reconsider knowing this has impacts. I am all for decoration for the holidays but something this bright is disruptive to wildlife-and people. Some of us like to watch the stars as well. Light pollution is a thing and has harmful impacts <https://www.google.com/amp/s/relay.nationalgeographic.com/proxy/distribution/public/amp/science/2019/04/nights-are-getting-brighter-earth-paying-the-price-light-pollution-dark-skies>

**Our nights are getting brighter,  
and Earth is paying the price**

[nationalgeographic.com](https://www.nationalgeographic.com)

4y Like Reply

15





 is 🌈 feeling festive in Mariposa, California.

Hello all! As some of you may have figured out by now, the light in the sky is an element of my family and I's Christmas display this year. To answer many questions about what the light is in the sky and why it is there here's a little explanation from my dad:

"Here's a quick synopsis of why we put on a big Christmas light display. For one I think if you own the house in the location that I do then you should do some sort of light display, however for me it goes much deeper. When I was a kid my family and I were very poor, to the point of my 3 siblings, my mom, and myself all living in our car in Sacramento. I remember my mom taking us to Christmas tree lane and how for just a little while I could forget about how hard life was, as I would look at peoples lights I would open my eyes wide and just dream. Eventually we moved into a house in Mariposa County but even then we went without electricity (no generator or anything like that) for 7 months. Through God's grace and a lot of hard work (18 years now as a professional fire fighter) I was able to change my life. Now I simply try to give back. We have lived in this county for 26 years now. My wife, my children, and I moved from Don Pedro last year and have become active in the community. This year we built the "Walker Mine" for the trunk or treat in town and also won the event last year. We won our category in the Christmas lights parade last year with the Toyota dressed as Rudolph towing a sleigh full of our family. As well as members of our family also volunteer in many positions in the community including PTA Vice President, MCHS Student Body President and more. This year our home display includes a 25 foot tall electronic Christmas tree that actually is playing to music ( the town can't hear it because I don't want to drive anyone crazy). The tree has 1600 lights with 1600 micro chips all connected to a computer control. Our newest addition is a 3000 Watt "Santa Tracker" search beam light shipped in from Japan. It's almost 4 feet tall and equipped with a high pressure Xenon short arc bulb, a strip of net lighting 90 feet long and much more. This year our house is on the Soroptimist Christmas Home Tour, which gave us another reason to up our Christmas decorations and spread more holiday cheer. We simply hope to bring joy to the children of Mariposa and beyond. For those very few people who don't like the display, we hope you can find it in your hearts to look beyond yourself just until December 25. Let the children enjoy the display and just be glad I didn't buy the 7000 watt version of the Santa tracker."

If you'd like to go and check out the Christmas lights they will be running until December 25th from about 5:15 pm until 9pm every night!



12:13



< Mariposa Chat.

o · Dec 3, 2019 ·



**Beth Pratt**

Hello all! I wish you all a Merry Christmas and Happy New Year.

I commented on this post a few days ago, very reasonably, not attacking anyone, just noting that people might not be aware that lights this intense can impact wildlife and lead to harm, up to death for some creatures. Light pollution is absolutely a thing that does real harm. Many places have adopted dark sky ordinances as a result.

Did you know that it can take up to 40 minutes for some animals to have their sight go back to normal after bright light exposure? The resulting disorientation can cause them to then get hit by a car or fly the wrong way, etc, etc.

I was disheartened, because I love this community, to see so many responses saying that those questioning the light are just whiny or stupid or just don't want people to enjoy Christmas. Can't we just have a reasoned discussion as a community? Does it have to resort to name calling?

Because nothing is further from the truth for me. I want people to enjoy their Christmas. I love Christmas lights and sometimes drive around to see them. And



Comment as Beth Pratt



12:14



<  Mariposa Chat.

 Dec 3, 2019 · 



I was disheartened, because I love this community, to see so many responses saying that those questioning the light are just whiny or stupid or just don't want people to enjoy Christmas. Can't we just have a reasoned discussion as a community? Does it have to resort to name calling?

Because nothing is further from the truth for me. I want people to enjoy their Christmas. I love Christmas lights and sometimes drive around to see them. And I think it's wonderful (I read the post by the homeowners) they want to do something special for the holiday.

All I am asking is for the homeowner and other community members to just consider that this can absolutely harm or kill wildlife even for the short time it's up. As the homeowner put it in their post, I hope they can "think beyond themselves" and consider the potential harm to wildlife from especially the search light. Knowing that, I do wonder if they would consider toning it down, or shutting off that search light at least.

I want kids and adults to enjoy a light show for the holidays. And there are ways we can do that without harming wildlife. Thanks for listening.

4v Like Reply

10   





## DarkSky International Policy

### Outdoor Lighting – Municipal Ordinance Template and User Guide

October 11, 2024 – Version 1.0

#### Overview

This DarkSky International (DarkSky) Policy provides a template of outdoor lighting requirements for any county, city, municipality, or township seeking to implement a responsible outdoor lighting ordinance *[Some regions will use the term “code” or “bylaw”]*. The language and requirements contained herein are a proven approach to mitigate *Light Pollution* and misuses of artificial light at night (*ALAN*), which threaten human visual performance and safety at night, brighten the naturally dark sky, cause adverse biological health disruptions, damage nocturnal ecosystems, and waste significant amounts of energy and taxpayer money each year. The requirements herein work together holistically to meet the Five Principles for Responsible Outdoor Lighting co-authored by DarkSky and the Illuminating Engineering Society.

#### Instructions for Use

Narrative written in *[Blue + Italicized font]* are instructions intended for the user, including why a topic is being addressed, and, when applicable, optional requirements or choices. The language within this template will assist advocates and writers draft appropriate ordinance language. Narrative in *[red brackets]* indicates the appropriate name, terminology, value, or date is to be inserted in that location.

Before completion, it is recommended to gather input from key stakeholders (e.g., law enforcement, staff, community, utilities) so all perspectives are considered. The intent is for options to be selected that best fit the passion, identity, and goals of the local community while still meeting DarkSky recommendations. Upon completion, unused options and user instructions should be deleted to keep the document concise.

#### DarkSky Recognized Program

For any municipality seeking to have their ordinance recognized by DarkSky International, a program is available. For questions regarding this program, contact the [DarkSky Lighting Program Manager](#).

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# [MUNICIPALITY] OUTDOOR LIGHTING ORDINANCE

*Note: Italicized and capitalized words and phrases are defined in section 4.0 Definitions.*

## 1.0 PREFACE

### 1.1 Authority

On behalf of the [municipality], this outdoor lighting [ordinance] is enacted on [date] pursuant to, and in accordance with, the authority of the [city council].

### 1.2 Purpose

*[A municipal outdoor lighting ordinance should first establish a purpose and thoughtful background information regarding the intent for having one. When allowed, this information is important for future decision makers who will be faced with new and unique requests. While preamble and background narratives are not usually accepted as code or bylaw, recitals are an effective way to incorporate background and intent. Recitals must be factual, not general, and kept to a minimum.]*

A. This outdoor lighting [ordinance] is intended to protect the health and welfare of all residents within the [municipality], enhance its [character and quality of life], prevent inappropriate and poorly installed outdoor lighting, reduce lighting conflicts between property owners, prevent the increase of potentially harmful sky glow, and preserve the naturally dark sky for the benefit of residents, visitors, wildlife, and the environment. The *Five Principles for Responsible Outdoor Lighting* will guide [municipality]'s outdoor lighting decisions because:

1. Whereas, outdoor uses of *Artificial Light at Night (ALAN)* often include inappropriate and bright sources of light that cause an unsafe reduction in human visual performance; and
2. Whereas, excessive, unnecessary, and misdirected *ALAN* contributes to *Light Pollution* and wastes energy resources that would, if corrected, generate tangible cost savings; and
3. Whereas, increased use of *ALAN* has contributed to an escalation of *Light Pollution*, thus increasing the brightness of the night sky by 10% annually and rendering the current night sky orders of magnitude (often hundreds of times) brighter than the natural and original sky background; and
4. Whereas, *Light Pollution* from *ALAN* is known to cause adverse effects on the health and well-being of birds, wildlife, nocturnal ecosystems, vegetation, and under certain circumstances, human health;
5. Now, therefore, let it be resolved that the [municipality], which has the authority to protect natural resources and maintain a healthy environment for present and future generations, chooses to enact this outdoor lighting [ordinance] *[the next part is optional, but highly encouraged because assignment of Lighting Zones by the municipality will establish appropriate and coordinated light levels based on land uses (not property values), avoid subjectivity, and establish a thoughtful hierarchy of lighting conditions across the municipality.]* and hereby assign the following *Lighting Zones* to all property within the [municipal] boundaries:

*[Insert table or map] [See Annex A for example formats.]*



### 1.3 Applicability

- A. This [ordinance] applies to all sources of outdoor lighting installed or replaced within the [municipality] after [enactment date]. This includes, but is not limited to, newly permitted development and construction projects involving homes, dwellings, roadways, public right-of-way, [signage, billboards, ] buildings, facilities, properties, landscape, parking lots, hardscape, non-habitable structures, and monuments.
- B. Existing outdoor lighting lawfully installed prior to [date] and not meeting the requirements of this [ordinance] shall be considered legal and repairable but non-conforming. All non-conforming *Luminaires* may continue to be used and maintained until one of the following occurs:
  - 1. A determination by the [municipal official] that an outdoor light source constitutes a hazard to public safety or constitutes a nuisance.
  - 2. When a property is re-zoned for a new land use, at which time all outdoor lighting on the property shall meet the requirements of this [ordinance] before the new use commences.
  - 3. [acceptable date of amortized implementation], the date whereupon all lighting must conform to this ordinance.

### 1.4 Exemptions

- A. **Lawful:** Lighting requirements mandated by a legal jurisdiction with broader authority (e.g., federal, state, or territorial) than the [municipality], including but not limited to:
  - 1. Navigational lighting systems regulated by the Federal Aviation Administration and the US Coast Guard.
  - 2. Any contradictory building code or Department of Transportation illumination requirements.
  - 3. Lighting for worker safety as mandated by the Occupational Safety and Health Administration.
- B. **Safety:** *Luminaires* installed for the benefit of public safety, including but not limited to:
  - 1. *Security Lighting* as determined by a municipal official with authority.
  - 2. Temporary lighting used by authorized first responders during emergency procedures.
- C. **Historic:** *Luminaires* replicating time period historical character and lighting effect that are protected by historical registration, or otherwise permitted by an authority having jurisdiction.
- D. **Permitted:** Temporary and semi-permanent lighting approved by municipal permit for special events, festivals, and community benefit, provided the permitted lighting still meets light trespass requirements and does not add further disruption to ecological migration or habitat.
- E. [Option] **Seasonal:** *Seasonal Lighting* used from [date] to [date]. [While some municipalities will choose to make this exempt, it may be better to prescribe seasonal lighting requirements (See Section 2.5) to help guide the desired outcome.]

### 1.5 Prohibitions

- A. *ALAN* must not interfere with the safe movement of motor vehicles. Any lighting that distracts or disables the vision of a motor vehicle operator (e.g., excessively bright or rapid blinking, flashing, and/or motion video) or contributes to traffic control confusion (e.g., sources resembling or imitating traffic or railroad signals) is prohibited.
- B. Beacons and searchlights, except for emergency use by authorized first responders.

## 2.0 OUTDOOR LIGHTING REQUIREMENTS

### 2.1 General

- A. Legal:** All outdoor *Luminaires* and *Luminaire* installations shall comply with federal and state law; county and municipal codes; applicable energy and building codes; product safety labeling; the requirements of this [ordinance]; and shall be subject to the appropriate permit and inspection requirements thereof.
- B. Light Level:** Unless otherwise specified in this ordinance, lighting installed for an outdoor use shall not exceed 25% more than the *Light Level* recommended by the applicable *ANSI/IES Lighting Standard*, or a state approved alternate, as published by [enactment date].
- C. Distribution:** Unless otherwise specified in this ordinance, *Luminaires* emitting more than 1,000 *Lumens* shall be *Fully Shielded* and shall emit no more than 5% of their total *Lumen* output above 80 degrees from *Nadir*. Exceptions are:
1. Festoon string lighting where no individual lamp emits more than 50 lumens, and the lumen density of the string is no greater than 25 lumens per foot. *[This will restrict some medium-base line-voltage products that are not recommended unless they are shielded.]*
  2. Directional *Luminaires* used for façade illumination which are shielded and aimed to hit their target such that the light is contained by architectural elements.
- D. Trespass:** Unless otherwise specified in this ordinance, *Light Trespass* shall meet the following:
1. *Luminaire* light sources shall not be visible from federal or state designated wilderness, natural area, habitat, or reserves, and *Light Trespass* shall measure no greater than 0.1 *Lux*.
  2. *Light Trespass* onto Waters of the United States shall measure no greater than 1 *Lux*.
  3. *Light Trespass* onto Residential Use property shall measure no greater than 1 *Lux*.
- E. Curfew:** *Non-essential* outdoor lighting, including but not limited to landscape and decorative lighting elements, shall be extinguished during *Nighttime Hours*.
1. When applicable, outdoor lighting shall dim or be extinguished during *Nighttime Hours* as prescribed by an adopted energy code.
- F. Controls:** *Luminaires* activated by motion detection shall automatically turn off or return to their dimmed state no more than [5] minutes after activity is no longer detected.
- G. Spectrum:** Unless otherwise specified in this ordinance, the maximum allowable correlated color temperature (CCT) for outdoor *Luminaires* is 3000 K. *[Because blue light is more apt to scatter locally in the atmosphere, it is prone to being redirected back toward earth as a physical manifestation of sky glow. This veil of sky glow reduces the visibility of stars within the natural nighttime sky, and the increased illumination may disrupt biological and ecological health. A CCT of 3000 K is the highest recommended baseline criterion, with exceptions and options noted below.]*
1. Exception: CCT exemptions are allowed if a public safety need is documented.

## 2.2 Residential Use

The following requirements are supplementary to the General Outdoor Lighting Requirements (**Section 2.1** and its subsections) and shall further regulate outdoor lighting on *Residential Use* property:

- A. Lighting for *Residential Use*, excluding roadway, parking, and public right-of-way, shall be exempt from the requirement in **Section 2.1(B)** provided no single Luminaire exceeds 1,000 lumens and the total installed lumens per dwelling, prorated for multifamily, does not exceed the following:

| TABLE 2.2: PER DWELLING LUMEN ALLOWANCE<br>RESIDENTIAL USE |            |       |        |       |
|------------------------------------------------------------|------------|-------|--------|-------|
| Property Size<br>(acre)                      (sf)          |            | Lz0   | Lz1    | Lz2   |
| 1.33                                                       | 58,000+ sf | 5,200 | 13,000 | 22800 |
| 1.00                                                       | 43,000 sf  | 4,600 | 11,500 | 20200 |
| 0.75                                                       | 32,000 sf  | 4,100 | 10,200 | 17900 |
| 0.50                                                       | 21,000 sf  | 3,500 | 8,700  | 15300 |
| 0.33                                                       | 14,000 sf  | 2,800 | 7,000  | 12300 |
| 0.25                                                       | 10,800 sf  | 2,400 | 5,900  | 10400 |
| 0.20                                                       | 8,700 sf   | 2,000 | 5,000  | 8800  |
| 0.13                                                       | 5,400 sf   | 1,500 | 3,600  | 6300  |
| 0.05                                                       | 2,100 sf   | 850   | 1,700  | 3000  |
| 0.03                                                       | < 2,100 sf | 850   | 850    | 1500  |

Multi-Family Example: 32 townhome units on a 3.2-acre development equals .10 acres per dwelling. Therefore, each dwelling is allowed 1,700 lumens when located in Lz1.

- B. *Light Trespass* leaving *Residential Use* property shall be no greater than 1 Lux.
- C. *[Option: If a community wants warmer color lighting in areas of residential dwelling, and where residents are perhaps already accustomed to warmer color light.]* When needed, *Residential Use* roadway *Luminaires* shall be a maximum CCT of [2400 K].

## 2.3 Non-Residential Use

The following requirements are supplementary to the General Outdoor Lighting Requirements (**Section 2.1** and its subsections) and shall further regulate outdoor lighting on non-residential property:

- A. *Non-Residential Use* lighting shall be exempt from the requirement in **Section 2.1(B)**, provided there is no *Luminaire* installed on the property capable of exceeding a total output greater than 3,000 Lumens.
- B. *Light Trespass* leaving non-*Residential Use* property onto adjacent public right-of-way shall be no greater than 3 Lux when measured 20 feet past the property line.

## 2.4 Sports Lighting

*[There are three options available for sports lighting. The first option provides essential requirements for safe play and light trespass mitigation. The second provides for improved control of obtrusive light and minimal offsite lighting. The third option requires independent third-party verification of the sports lighting facility.]*



The following requirements are supplementary to the General Outdoor Lighting Requirements (**Section 2.1** and its subsections) and shall further regulate outdoor lighting for sports and recreational areas *[Choose one of the following]*:

- ☐ Lighting for sports and recreational areas shall also meet the following requirements:
  1. Eighty-five percent (85%) of the lumens generated by sports lighting luminaires shall be confined to within 10 meters (33 feet) or a distance of one pole height, whichever is greater, of the playing field or the spectator track or bleacher area, whichever is greater.
  2. Lighting installations for aerial sports are allowed a maximum of 8% of the total lumen output to be emitted above 80 degrees from *Nadir*.
  3. When the recommended sports field *Light Level* is higher than 100 lux, installed lighting shall not exceed 10% more than the *Light Level* recommended by the applicable *ANSI/IES lighting standard*, or a state approved alternate, as published by **[enactment date]**.
  4. The maximum *CCT* for outdoor sports lighting should be the lowest possible for the sport, class of play, and viewing audience as defined by the relevant *ANSI/IES lighting standard*, or any state approved alternative, but never exceeding 5700 K.
  5. The maximum luminous intensity from any luminaire lighting a sports field shall not exceed 10,000 *candelas* (cd) as measured along a perimeter that is 46 meters (150 feet) from the edge of the field, at 1.5 meters (5 feet) above grade. *[Because sports lighting can be 85% contained and still produce obtrusive brightness, in the surrounding properties, this light trespass requirement is necessary to guide effective performance requirements. There are many LED products with shielding and optical control that can meet this requirement. The design process can account for this, and installation crews can validate the measurement.]*
- ☐ Sports lighting shall meet the requirements of the *DarkSky Approved Outdoor Sports Lighting Program*.
- ☐ Sports lighting shall be certified by DarkSky International as meeting the DarkSky Approved Outdoor Sports Lighting Program.

## 2.5 *[Additional Lighting Criteria Available:]*

*[Supplemental outdoor lighting requirements are available for specialized uses and applications. These requirements can be found at <https://darksky.org>, and are intended for insertion into the ordinance starting with section 2.5. The specialized uses and applications that are available include:]*

- A. *[Seasonal Lighting]*
- B. *[Illuminated Signage]*
- C. *[Coastal Marine Turtle Habitat]*

## 3.0 ADMINISTRATIVE REQUIREMENTS

### 3.1 Permit Application

- A. **Submittal:** Whenever a building, subdivision, site plan, or outdoor lighting permit is applied for, an outdoor lighting plan must be submitted along with a compliance statement that the proposed work will comply with all **[ordinance]** requirements. The outdoor lighting plan must follow one of the following:

1. **Schedule Method:** Only available for renovation and *Residential Use* lighting; projects to be documented using a spreadsheet format by listing the *Luminaire* identifications (i.e., manufacturer, model number, type), *Luminaire* quantities, installation locations, and *Lumen* outputs for each; or
  2. **Calculation Method:** Available for all project types but required for sports lighting and when specifically requested by the **[planning commission]**; an outdoor lighting design shall be prepared by a certified lighting professional or licensed professional engineer using lighting design software and *Luminaire* .ies files. This outdoor lighting plan shall include:
    - a) *Luminaire* identification (model number), installation locations, mounting heights, targeted directions, buildings, and other physical objects within the site that could affect the lighting outcome.
    - b) Site plan and *Illuminance* calculation plots demonstrating conformance with this ordinance, including the sports lighting luminous-intensity *Light Trespass* limit.
- B. Review:** Submitted spreadsheets, site lighting plans, and compliance affidavits shall be subject to review and approval by the **[administrator]**, or designee. The **[administrator]** shall have the authority to refer an application to the **[planning and zoning commission]** or the **[historic commission]** if deemed appropriate.
- C. Appeals:** Any appeals related to decisions regarding outdoor lighting shall be made to the **[administrator]**, or designee.

### 3.2 Enforcement and Penalty

*[Each municipality will have its own ordinance and regulations from which to cite specific references on enforcement and penalties. This section should be tailored to cite those specific sections as applicable to ensure enforcement and that penalties can be administered.]*

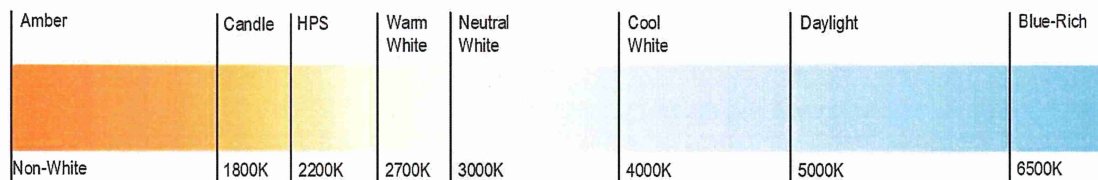
- A. Enforcement:** Unless otherwise noted in this **[ordinance]**, the **[administrator]**, or designee, shall be responsible to implement, administer, and enforce this **[ordinance]**, including investigations of alleged violation. A private right of action may also constitute enforcement of the requirements within this **[ordinance]**.
1. The **[administrator]** charged with enforcing this chapter shall have the authority to grant partial waiver of specific **[ordinance]** requirements for up to one year if a property owner demonstrates that compliance creates unreasonable hardship, as balanced against the potential impacts of non-compliance, or results in conditions that are materially detrimental to health, safety or welfare.
- B. Penalty:** Any property owner that does not meet the requirements of this **[ordinance]** shall be in violation. A person, firm, or corporation found to have violated, disobeyed, omitted, neglected, or refused to comply with any provisions of this **[ordinance]** shall be issued a notice and administrative citation as provided by the municipal code **[appropriate section numbers]**. Any person, firm, or corporation found to have violated any portion of this **[ordinance]** shall correct the violations within ninety (90) days of the citation date. Each day a violation continues beyond ninety (90) days of the citation date without having been corrected shall be a separate offense. *[For municipalities without standard citation penalties or injunctive relief, a monetary fine is recommended for each citation.]*
- C. [Option] Private Action:** Any person adversely affected by lighting that does not meet the requirements of this **[ordinance]** shall have a private cause of action for nuisance against the person, firm, or corporation responsible for such lighting.



## 4.0 DEFINITIONS

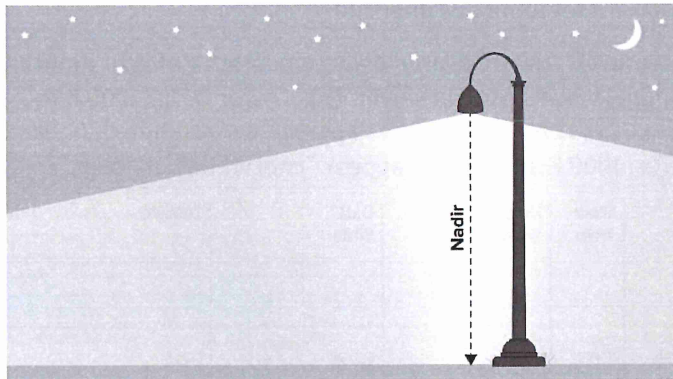
4.1 The following definitions apply to terms used in this ordinance:

- A. **ANSI:** American National Standards Institute.
- B. **ANSI/IES Lighting Standards:** Applicable outdoor lighting standards and metrics include but are not limited to:
  - 1. RP-2: outdoor retail spaces
  - 2. RP-6: outdoor sports and recreational areas
  - 3. RP-7: outdoor industrial areas
  - 4. RP-8: roadway and parking facilities
  - 5. RP-40: port terminals
  - 6. RP-43: outdoor pedestrian areas
- C. **ALAN (artificial light at night):** Light that is created from human technology, rather than a naturally occurring process. Also known as anthropogenic lighting.
- D. **Candela (cd):** The unit of measure for luminous intensity.
- E. **CCT (correlated color temperature):** The measured color appearance of light emitted by a light source described using a nominal value stated in kelvins (K). Lower CCTs (1800 K to 2200 K) appear very warm or amber. Medium CCTs (2700 K to 3000 K) appear “warm white,” similar to standard incandescent bulbs. High CCTs (4000 K and higher) appear “cool white” or “blue.”



- H. **DarkSky Approved Outdoor Sports Lighting:** A standalone program put forth by DarkSky International to guide and/or certify sports lighting that meets stringent glare and *Light Trespass* requirements.
- I. **Five Principles for Responsible Outdoor Lighting:** Co-authored and published by DarkSky International and the Illuminating Engineering Society: 1) Use light only if needed; 2) distribute light only where it is needed; 3) use light that is no brighter than needed; 4) control light so it is on only when needed; and 5) use warmer color light when possible.
- J. **Fully Shielded:** A *Luminaire* designed or shielded in such a manner that no light is emitted, either directly or indirectly, at or above a horizontal plane running through the lowest light-emitting part of the luminaire.
- K. **IES (Illuminating Engineering Society):** An ANSI-recognized Standards Development Organization. ANSI/IES Recommended Practices are universally recognized as authoritative references for lighting applications.
- L. **Illuminance:** Measured in *Lux* or footcandles, the total luminous flux incident at a point on a surface.
- M. **Light Level:** The maintained *Luminance* or *Illuminance* value.
- N. **Light Pollution:** ALAN traveling into areas where it is not needed or wanted. This can be in the form of *Light Trespass*, glare, or atmospheric sky glow.

- O. **Light Trespass:** *ALAN* illuminating past property lines without permission. Unless specified otherwise, light trespass limits are measured at any location along a property line both horizontally at the ground plane facing upward and vertically at 1.5 meters (5ft) above grade with the meter aimed toward the light source in question.
- P. **Lighting Zones:** An ANSI/IES/DarkSky system describing the luminous environment and related lighting conditions based on land uses and expected tasks. These range from natural and intrinsically dark zones to very bright zones.
- Q. **Lumen (lm):** A unit of measure of the *luminous flux* of a light source.
- R. **Luminaire:** A complete lighting unit, including the light source, housing, optics, electronics, and other necessary components for the purpose of providing outdoor illumination.
- S. **Luminance:** The intensity of light emitted from a surface per unit area in a given direction.
- T. **Lux (lx):** The SI metric system unit of measure for *illumination*.
- U. **Nadir:** A downward vertical vector directly beneath a luminaire, opposite to zenith.



- V. **Nighttime Hours:** The time between [10] PM and sunrise, or 7 AM (whichever comes earlier). For businesses and events with operating hours later than [10] PM, nighttime hours will begin one hour after closing.
- W. **Non-essential:** Lighting that is not directly associated with the physical safety of motor vehicle and pedestrian threats, including but not limited to: landscape lighting, illuminated signage or advertising after business hours, façade lighting, vacant sports fields, and seasonal lighting.
- X. **Residential Use:** Municipal zoning districts dedicated exclusively to places of low-rise (i.e., 3 stories or less) human residence and dwelling. Examples include single family, duplex, dual family, multi-family, apartment, townhouse, and mobile home. This does not include mixed-use or commercial districts with combined dwellings.
- Y. **Seasonal Lighting:** Outdoor or site lighting that is portable, temporary, decorative, and used in connection with holidays and traditions. This includes but is not limited to string lighting, icicle lighting, and lighted inflatables, none of which are intended for general illumination.
- Z. **Security Lighting:** Illumination used specifically to protect people, property, and infrastructure from criminal threat.
- AA. **Shielding:** A *Luminaire* design, optical intervention, or physical accessory (such as a louver) preventing light emission from traveling into a particular area, angle, or region.

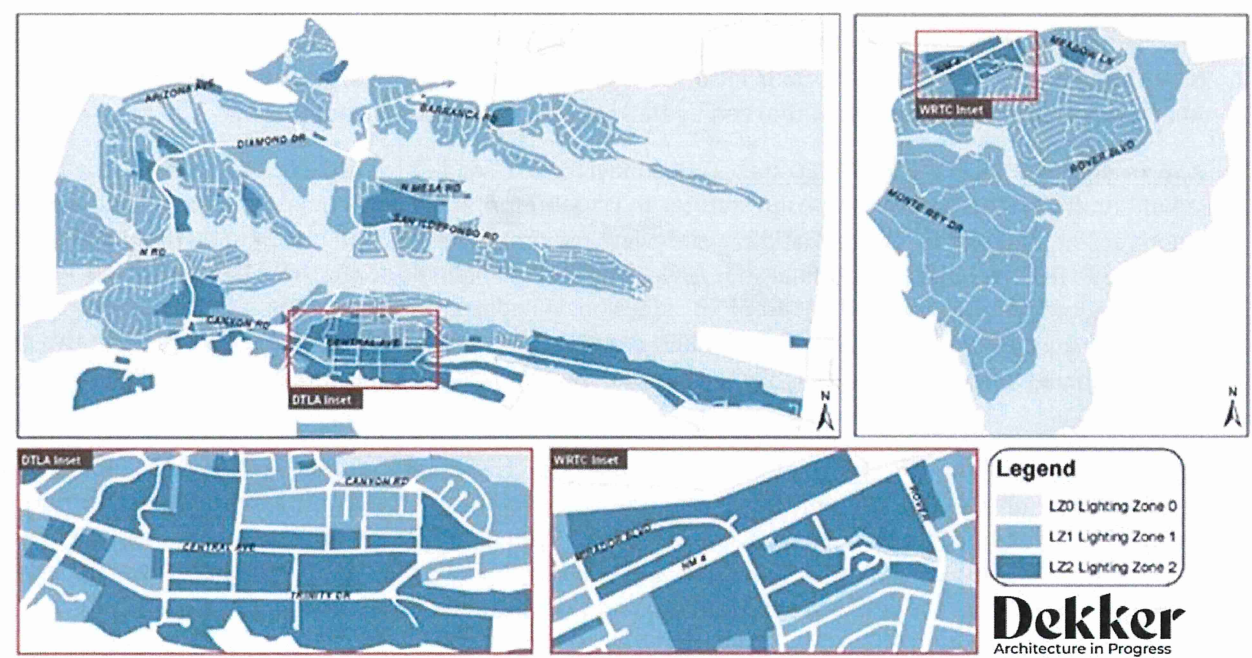
**END OF TEMPLATE**

ANNEX A – EXAMPLE FORMATS TO ASSIGN LIGHTING ZONES

Table Example

| Lighting Zone Designations by Land Use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                |                |                |                |                |                |                |                |                |                |                 |       |       |                |                |                |                |                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|-----------------|-------|-------|----------------|----------------|----------------|----------------|----------------|
| Zone District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Residential    |                |                |                |                |                | Mixed-Use      |                |                |                | Non-Residential |       |       |                |                |                |                |                |
| Lighting Zones                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | R-A            | R-1            | R-T            | R-MC           | R-ML           | R-MH           | MX-T           | MX-L           | MX-M           | MX-H           | NR-C            | NR-BP | NR-LM | NR-GM          | NR-PO          |                |                |                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |                |                |                |                |                |                |                |                |                |                 |       |       |                | A              | B              | C              | D              |
| NLz                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                |                |                |                |                |                |                |                |                |                |                 |       |       |                |                | X <sup>1</sup> | X <sup>1</sup> |                |
| Lz0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | X <sup>3</sup> | X <sup>3</sup> | X <sup>3</sup> | X <sup>3</sup> | X <sup>3</sup> |                | X <sup>3</sup> |                |                |                |                 |       |       |                | X <sup>2</sup> | X <sup>2</sup> | X <sup>2</sup> | X <sup>2</sup> |
| Lz1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | X              | X              | X              | X              | X              | X <sup>4</sup> | X              | X <sup>4</sup> | X <sup>4</sup> | X <sup>4</sup> | X               | X     | X     | X              | X              |                |                | X              |
| Lz2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                |                |                |                |                | X              |                | X              | X              | X              | X <sup>5</sup>  |       |       | X <sup>5</sup> | X <sup>6</sup> |                |                |                |
| Lz3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                |                |                |                |                |                |                |                | X <sup>5</sup> | X <sup>5</sup> |                 |       |       |                | X <sup>7</sup> |                |                |                |
| <b>Notes:</b><br>[1] NLz is required in NR-PO zones for open space where no anthropogenic light is allowed.<br>[2] Lz0 is required in NR-PO zones for open space where artificial light is needed during nighttime hours.<br>[3] A lower lighting zone is required on subject properties with sensitive lands.<br>[4] A lower lighting zone is required on subject properties adjacent to low-density uses.<br>[5] A higher lighting zone is allowed unless the subject property is adjacent to any residential zone district.<br>[6] Lz2 is allowed in parks with high pedestrian activity and many amenities.<br>[7] Lz3 is allowed in parks containing nighttime stadiums or entertainment activities. |                |                |                |                |                |                |                |                |                |                |                 |       |       |                |                |                |                |                |

Overlay Map Example







## DARKSKY POLICY TEMPLATE: TERMS OF USE

**By downloading this document, you have agreed to the following:**

The International Dark-Sky Association, dba DarkSky International (“DarkSky”), is a 501c(3) nonprofit organization that works to raise awareness about the negative impacts of light pollution and preserve the nighttime environment through public education, conservation, and the certification of environmentally responsible outdoor lighting.

To further these goals, DarkSky has developed DarkSky Policy Templates (“DarkSky Templates”, or “Templates”) which provide particular provisions to be adopted by a municipality, village, city, county, state, province, or other government entity (“Government Entity”). When implemented, these provisions help mitigate light pollution and protect dark skies while maintaining illuminated conditions in accordance with appropriate standards. Upon incorporating the Template provisions into law in the Government Entity statutes (codes, standards, ordinances legislation, etc), the Government Entity may apply to have their final adopted language reviewed by DarkSky International for conformance, and, if approved, become “DARKSKY RECOGNIZED.”

DarkSky makes these Templates publicly available for download and use subject to these Terms of Use (“Terms”). Please read these Terms carefully to ensure you understand and comply with them in the use of the Templates.

### USE OF TEMPLATES

1. **Format.** Upon agreeing to these Terms, you may download the DarkSky Templates in either a PDF or Word version. The PDF version must not be altered and used only as an official version from DarkSky; the Word version is provided as an editable document to more easily incorporate the provisions into other statute formats subject to these terms.
2. **Use of DarkSky Templates and Designation.** You are free to use the Templates for incorporating the provisions contained therein into your local or regional statutes, however you may not use the DARKSKY RECOGNIZED designation unless authorized by DarkSky as provided for in Paragraph 3.
3. **Approval for DARKSKY RECOGNIZED status.** You may, for a fee and as instructed on the darksky.org website, submit draft versions of your proposed statutes to DarkSky for review and comment prior to final adoption. Upon receipt, and in due course, DarkSky will review the proposed version. DarkSky will designate statutes as DARKSKY RECOGNIZED only for final adopted statutes. Proof of final adoption must be submitted, including 1) final adopted language and 2) proof of adoption including official minutes confirming the adopted language. Any change to DARKSKY RECOGNIZED statutes must be recertified by DarkSky through this same process; changes made without DarkSky review and approval will have this designation revoked by DarkSky International.
4. **Representation of DarkSky International.** You may not represent yourself as a DarkSky International representative or agent at any time when advocating for the use of these Templates without the express written consent and approval of DarkSky International. If you modify the Templates in any way, you may not represent the altered document as a DarkSky approved document; only the unaltered PDF versions of the DarkSky Templates can be referred to as DarkSky approved Templates.

## GENERAL TERMS

5. **Acknowledgement.** Upon downloading any version of the DarkSky Templates, you acknowledge that you have read, understood, and agreed to all terms contained herein. Further, you represent that you have consulted, or have had the opportunity to consult with, your legal, tax, and financial advisors in connection with the execution and performance of the Agreement.
6. **Applicable Law.** These Terms of Use shall be construed and enforced in accordance with the laws of the State of Arizona without regard to its conflicts of laws provisions. Similarly, the laws of the State of Arizona (again without regard to its conflicts of laws provisions) shall also govern any dispute arising between you and DarkSky. You agree to submit to the personal and subject matter jurisdiction of the courts located within the State of Arizona. You also agree the venue for any action, dispute or proceeding with respect to this Agreement or any dispute between you and DarkSky shall be Maricopa County in the State of Arizona. You further waive all defenses to the contrary including, but not limited to, lack of personal jurisdiction or forum non-conveniens.
7. **Entire Agreement.** These Terms of Use, as they shall be modified from time to time, constitute the full and complete understanding among them with respect to the subject matter hereof and supersede and preempt any prior understandings, agreements, or representations by or among the Parties, written or oral, which may have related to the subject matter hereof in any way. You may not rely on any other statements, promises, or agreements by any party, whether written or oral, that alters or contradicts the terms of these Terms of Use. Indeed, you affirm that you are not relying upon any verbal or written representations whatsoever, except as expressly set forth in these Terms of Use.
8. **Modifications.** This Agreement may not be altered, amended, changed, waived, terminated, or modified in any manner unless the same shall be in writing and signed by or on behalf of both Parties.
9. **Paragraph and Section Headings.** Paragraph and Section headings are for convenience only and shall not be used to construe this Agreement or otherwise be given any legal effect.
10. **Reasonableness.** The Parties have read each of the terms in this Agreement and consider each of them, including all subparts, to be reasonable.
11. **Savings Clause.** In the event that any provision of these Terms of Use is held to be void or unenforceable by a Court of competent jurisdiction, the remaining provisions of these Terms of Use shall nevertheless be binding upon the Parties with the same effect as though the void or unenforceable part had been deleted. Further, any provision held to be void or unenforceable by a Court of competent jurisdiction shall be construed, if possible, to give effect to the Parties' intent. The Parties agree that any such provision, in its forms modified by the court, shall then be enforceable and shall be enforced.
12. **Waiver.** No waiver of any breach of any provision of these Terms of Use shall constitute a waiver of any prior, concurrent or subsequent breach of the same or any other provisions hereof, and no waiver shall be effective unless made in writing and signed by an authorized representative of the waiving party. The failure of DarkSky to insist, in any one or more instances, upon the performance of any of the terms of these Terms of Use or to exercise any right hereunder, shall not be construed as a waiver of the future performance of any such term or the future exercise of such right.

If you have any questions, please contact the [DarkSky Lighting Program Manager](#).



