



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 6019
March 1, 2022
Regular Business**

AGENDA BILL INFORMATION

TITLE:	AB 6019: Development Code Amendment ZTR21-005 Noise and Residential Exterior Lighting Standards (Ord. No. 22C-02 First Reading)	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Adopt Ordinance No. 22C-02, an ordinance amending Ordinance No. 19C-21 and Mercer Island City Code 19.02.020 Development Standards to establish exterior lighting standards in residential zones; providing for severability; and establishing an effective date.	

DEPARTMENT:	Community Planning and Development		
STAFF:	Jeff Thomas, Interim CPD Director Alison Van Gorp, Deputy CPD Director Adam Zack, Senior Planner		
COUNCIL LIAISON:	n/a		
EXHIBITS:	1. Draft Ordinance No. 22C-02 2. Staff memo to Planning Commission dated November 12, 2021 3. Staff memo to Planning Commission dated January 18, 2022 4. Planning Commission Recommendation dated January 26, 2022		
CITY COUNCIL PRIORITY:	n/a		

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

SUMMARY

Zoning Code Amendment ZTR21-005 was added to the Community Planning and Development (CPD) work program through the 2020 annual docketing process. The docket application proposed changes to the Mercer Island City Code (MICC) to address exterior lighting and noise from commercial landscaping. The Planning Commission has reviewed the proposal and prepared a recommendation for City Council consideration.

- After holding a public hearing on January 26, 2022, the Planning Commission has recommended a proposed code amendment related to exterior lighting (see draft Ordinance No. 22C-02 – Exhibit 1).
- The proposed code amendment will establish new exterior lighting standards for residential zones in MICC 19.02.020 Development standards; adding a new subsection (K).
- After considering the proposal at a public hearing, the Planning Commission recommended no action on amending MICC 8.24.020 to regulate noise from commercial landscaping.

- The City Council will review the proposed code amendment related to exterior lighting and set the second reading of the draft Ordinance 22C-02 for April 5, 2022.

BACKGROUND AND PROCESS

The proposed code amendment was submitted as part of the annual docketing process in the fall of 2020. The City Council added this proposal to the final docket and the CPD work program with the approval of [Resolution No. 1594](#) on December 1, 2020. The proposal was assigned file number ZTR21-005.

Planning Commission

The Planning Commission first discussed and provided initial feedback regarding ZTR21-005 on November 17, 2021. The staff memo for this meeting dated November 12, 2021 is included (Exhibit 2). Staff prepared a draft code amendment based on the initial feedback from the Planning Commission.

The Planning Commission held a public hearing regarding ZTR21-005 on January 26, 2022. The staff memo for this meeting dated January 18, 2022 is included (Exhibit 3).

Following the public hearing, the Planning Commission made a recommendation to adopt exterior lighting standards in residential zones, amending MICC 19.02.020 Development standards and also recommended no further action on noise from commercial landscaping (Exhibit 4).

In addition to this no-action recommendation, the Planning Commission further recommends the City consider a ban on gas-powered landscaping tools such as leaf blowers and lawn mowers. Considering a ban on gas-powered landscaping tools is beyond the scope of the task assigned to the Planning Commission by Resolution No. 1594 and it is also likely outside their purview since this type of regulation would not be located in the development code. The City Council may consider taking up a gas-powered landscaping equipment ban at a later date without further consult with the Planning Commission.

State Environmental Policy Act (SEPA)

A SEPA determination of non-significance was issued on December 21, 2021, and the project was assigned SEPA register file number 202106584. The SEPA determination comment period was open from December 21, 2021 to January 12, 2022; no comments were received.

Washington State Department of Commerce Notification

The Department of Commerce was notified of the intent to adopt development code amendments on December 22, 2021. Notice of the Planning Commission public hearing was published in the *Mercer Island Reporter* on December 22, 2021 and in the CPD Weekly Permit Bulletin on December 27, 2021.

EXTERIOR LIGHTING STANDARDS

The City does not currently regulate exterior lighting fixtures in residential zones. The docket proposal points out that unregulated exterior lighting fixtures often direct light beyond property boundaries onto neighboring properties and pedestrian ways. The proposed regulations will establish standards to ensure that lighting fixtures are directed and shielded to reduce the light shining beyond property boundaries. The proposed regulations are designed to ensure that new or substantially replaced exterior lighting fixtures:

- Minimize the amount of light that spills onto neighboring properties;
- Reduce ambient light pollution; and
- Only illuminate the object or area where light is needed.

The proposed exterior lighting standards are modeled on the residential lighting standards adopted in other cities. Staff reviewed examples provided by the American Planning Association as well as the lighting standards of neighboring cities including [Sammamish](#), [Issaquah](#) and [Kirkland](#).

The proposed exterior lighting standards regulate two aspects of lighting: direction and shielding, and brightness.

Direction and Shielding

Establishing standards for the direction and shielding of lighting fixtures controls where the light projects from lighting fixtures. In reviewing lighting code guidance and examples, direction and shielding measures were the most common way to prevent light spillover onto neighboring properties. In general, the reference materials established standards for lighting fixtures to be directed downward. Most lighting standards also included a shielding requirement. A fully shielded lighting fixture has an opaque barrier around the bulb and is angled so the bulb is not visible below the barrier. Partially shielded fixtures might have an opaque barrier, but the bulb can be visible. In most of the example regulations, partially shielded fixtures are required to be directed downward; no more than 45 degrees above straight down. Shielding and direction are the two most effective and common lighting regulations available to limit the light spillover onto neighboring properties.

Brightness

In addition to requiring shielding and directing light downward, brightness limits are a common feature of the regulations and guidance reviewed. Brightness of lighting fixtures is typically measured in lumens. Lumens differ from bulb wattage because they measure brightness whereas wattage is a measure of energy usage. The lumen output is typically listed next to wattage on lightbulb packaging. High-efficiency lightbulbs produce more lumens with less wattage. For reference, a bulb producing 1600 lumens is approximately the brightness of a 100-watt incandescent bulb, 450 lumens of brightness is roughly equivalent to a 40-watt incandescent bulb.

Most of the code examples reviewed established a limit on the lumens produced by exterior lighting fixtures. Limiting the brightness of a fixture, combined with shielding and direction, helps to prevent the amount of light spillover onto neighboring properties.

PROPOSED CODE AMENDMENT – EXTERIOR LIGHTING

After holding a public hearing, the Planning Commission recommended new exterior lighting standards for residential zones (see draft Ordinance No. 22C-02 - Exhibit 1). The lighting regulations will be added as a new subsection (K) in the Residential Development Standards ([MICC 19.02.020 Development standards](#)). The proposed standards include:

- Exterior lighting must be designed to limit light trespass onto neighboring properties;
- All Exterior lighting must be fully or partially shielded and shall not exceed 1,600 lumens, except 4 unshielded fixtures of up to 450 lumens each are allowed;
- Exterior lighting must be designed so that light is not projected onto neighboring properties, roadways, pedestrian ways, past the object being illuminated, into the sky, or onto biodiversity areas, fish and wildlife habitat conservation areas, or wetlands; and
- Exterior lighting fixtures with a motion sensor must not be activated by off-site movement.

The proposed MICC 19.02.020(K) will establish clear standards that achieve the intended purpose of regulating exterior lighting to prevent light trespass onto neighboring properties. The combination of shielding, direction, and brightness requirements would address the problem of lights shining beyond the extent of the property. Furthermore, the proposed MICC 19.02.020(K)(2)(e) would prevent motion activated spotlights from being triggered by offsite movement. In most instances, any nonconformities created by the establishment of these standards can be resolved with new light bulbs or by repositioning lighting fixtures to avoid light spilling beyond the property boundary.

NOISE FROM COMMERCIAL LANDSCAPING

Noise from commercial landscaping is currently regulated by MICC 8.24.020(Q) Types of nuisances. Commercial landscaping does not require a permit. Regulated noises from activities that do not require a permit are subject to MICC 8.24.020(Q)(3), which states:

“Sounds related to activity that does not require a permit from the city of Mercer Island shall only be allowed between the hours of 7:00 a.m. to 8:00 p.m. on Mondays through Fridays, and between the hours of 9:00 a.m. and 8:00 p.m. on Saturdays, Sundays, and legal holidays.”

After holding a public hearing and deliberating on alternatives that would establish a different timeframe during which noise from commercial landscaping would be allowed, the Planning Commission recommended making no change to MICC 8.24.020.

The City Council does not need to take any action to accept the Planning Commission recommendation.

GAS POWERED LANDSCAPING TOOLS

When considering possible code amendments to address noise from landscaping equipment, the Planning Commission discussed a possible ban on gas powered landscaping tools such as leaf blowers, mowers, and weed eaters. The Planning Commission was interested in pursuing a ban because it would address noise concerns, as well as health and environmental impacts from gas-powered equipment. Staff clarified that such a ban was beyond the scope of the work program established by Resolution No. 1594. Because a ban is beyond the scope of work assigned, the Planning Commission included a general recommendation that the City Council consider a ban in the future (Exhibit 4).

The City Council is not required to take an action on the proposed ban. Ordinance No. 22C-02 does not make any changes related to the Planning Commission proposed gas powered landscaping tools ban.

NEXT STEPS

The City Council will review the proposed code amendment for exterior lighting at the March 1 meeting and schedule the second reading of draft Ordinance 22C-02 for April 5, 2022.

RECOMMENDED ACTION

Review and provide comments on draft Ordinance No. 22C-02, amending MICC 19.02.020 Development standards, and set the second reading for April 5, 2022.