

City of Shady Cove Planning Commission

Agenda

**City of Shady Council Chamber
22451 HIGHWAY 62**

**Thursday, September 9, 2010
6:30 p.m.**

1. Open meeting/Announcement - Meeting is being digitally recorded.
2. Roll Call.
3. Review of Shady Cove Dark Sky Ordinance Revisions.
4. Commissioner Comments.
5. Adjournment.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

Chapter XXX.xx – Shady Cove Dark Sky and Lighting Ordinance

15.30.000 PURPOSE

The purpose of the Shady Cove Dark Sky and Lighting Ordinance is to regulate outdoor lighting in order to reduce or prevent light pollution. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security.

15.30.010 DEFINITIONS

The "IES" (Illuminating Engineering Society of North America) Lighting Handbook, most recent edition, the City of Shady Cove Municipal Code, shall be used for the definition of terms used in this ordinance but not defined herein. In the case where a definition of a term of this ordinance is found to be in conflict with a definition of a term of any other ordinance, "IES" handbook or regulation, the more restrictive definition will apply.

Area Light: Light that produces over 2050 lumens (See Table 2 for Light Output of Various Lamps). Area lights include, but are not limited to, street lights, parking lot lights, security and yard lights.

Average Foot-candle: The level of light measured at an average point of illumination between the brightest and darkest areas. The measurement can be made at the ground surface or at four to five feet above the ground.

Eighty-five (85) Degree Full Cut-Off Type Fixtures: Fixtures that do not allow light to escape above an 85-degree angle measured from a vertical line from the center of the lamp extended to the ground.

Exterior Lighting: Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of this Ordinance.

Fixture: The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Flood Light: Light that produces up to 1800 lumens (See Addendum 1 for Light Output of Various Lamps) and is designed to "flood" a well-defined area with light. Generally, floodlights produce from 1000 to 1800 lumens.

Foot-candle: Illuminance produced on a surface one foot from a uniform point source of one candela. Measured by a light meter.

Glare: Intense light that results in discomfort and/or a reduction of visual performance and visibility.

Holiday Lighting: Festoon type lights, limited to small individual bulbs on a string, where the output per bulb is no greater than 15 lumens.

IESNA - Illuminating Engineering Society of North America (IES or IESNA): The professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

Illuminance: Density of luminous flux incident on a surface. Unit is foot-candle or lux.

Illuminating devices:

1. Light fixture types

- a. Full cutoff fixture types - A fixture which, as installed, gives no emission of light above a horizontal plane.

b. Floodlights and Spotlights - Fixtures defined as having a full beam width or beam spread of less than 110 degrees.

2. Lamp types

a. Incandescent lamps - Lamps which produce light via an electrically heated metallic filament.

b. Fluorescent lamps - Lamps that use fluorescence of a phosphor to produce visible light.

c. High Intensity Discharge Lamps - Lamps, which produce visible light directly by the electrical heating or excitation of a gas. Examples of such lighting include, but are not limited to, Metal Halide, High Pressure Sodium, Low Pressure Sodium and Mercury Vapor. For purposes of this Ordinance, fluorescent lights are not considered HID lighting.

d. LED Lights???

Lamp or Bulb: The light-producing source installed in the socket portion of a luminaire.

LED Light: A solid state light that uses light-emitting diodes (LEDs) as a source of light and includes "rope" lights.

Light Pollution: Any adverse effect of manmade light including, but not limited to, light trespass, up-lighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky.

Light trespass: Light emitted by a luminaire falls where it is not wanted or needed or shines beyond the property on which the luminaire is installed.

Lighting: Any or all parts of a luminaire that function to produce light.

Lumen: Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One foot-candle is one lumen per square foot. One lux is one lumen per square meter.

Luminaire: The complete lighting unit, including the lamp, the fixture, and other parts.

Luminance: At a point and in a given direction, the luminous intensity in the given direction produced by an element of the surface surrounding the point divided by the area of the projection of the element on a plane perpendicular to the given direction. Units: candelas per unit area. The luminance is the perceived brightness that we see, the visual effect of the illuminance, reflected, emitted or transmitted from a surface.

Outdoor light fixture: An outdoor illuminating device, outdoor lighting or reflective surface, luminous tube, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to lights used for:

A. parking lot lighting;

B. security lighting

C. roadway lighting;

D. buildings and structures;

E. recreational areas;

- F. landscape lighting;
- G. billboards and other signs (advertising or other);
- H. product display area lighting;
- I. building or structure decoration;
- J. building overhangs and open canopies.

K. motion or lightness detecting lamps

Recessed: When a light is built into a structure or portion of a structure such that the light is fully cut-off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

Shielded: When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture. Also considered a full cut-off fixture.

Spotlight or Floodlight: Any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction (see definition for floodlight).

Temporary Lighting: Lighting that is intended to be used for a special event for seven (7) days or less.

Up-lighting: Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

15.30.020 SCOPE & APPLICABILITY

New Lighting. All exterior outdoor lighting, including security lighting installed after the effective date of this Chapter in any and all zones in the City shall conform with the requirements established by this Chapter and other applicable ordinances unless otherwise exempted. This ordinance does not apply to indoor lighting.

Existing Lighting. All existing lighting located on a subject property shall be brought into conformance with this Ordinance within six (6) months of the effective date of this ordinance.

All lighting on a property must be brought into full compliance before reoccupation or reuse.

Nonconforming Uses or Structures. If a nonconforming use or structure has been abandoned for more than twelve months all lighting on the property must be brought into full compliance before reoccupation or reuse.

Conformity shall occur prior to issuance of Certificate of Occupancy, Final Inspection, or Final Plat Recordation, when applicable. For other permits, the applicant shall have a maximum of thirty days from date of permit issuance to bring the lighting into conformance.

Preferred Source - Low-pressure Sodium (LPS) lamps are the preferred illumination source throughout the city and their use is encouraged.

When an existing fixture is replaced, the replacement fixture shall meet the requirements of this chapter.

Architectural design, site planning, landscaping and lighting may be further restricted elsewhere in the Shady Cove Municipal Code.

All governmental agencies, federal, state or county, which operate within the city limits of Shady Cove - should experience no difficulty meeting the requirements of this ordinance and are encouraged by the city to comply with its provisions.

In the event of a conflict with any other chapter of the Shady Cove Municipal Code, the more stringent requirement shall apply.

15.30.030 GENERAL STANDARDS

The following general standards shall apply to all outdoor lighting installed after the effective date of this ordinance, which is not exempted below:

A. Area Lights: All area lights, including street lights and parking area lighting, shall be full cut-off fixtures and are encouraged to be eighty-five (85) degree full cut-off type fixtures. Street lights shall be high-pressure sodium, low-pressure sodium, or metal halide, unless otherwise determined by the city that another type is more efficient. Street lights along residential streets shall be limited to a 70-watt high-pressure sodium (hps) light. Street lights along nonresidential streets or at intersections shall be limited to 100 watts hps, except that lights at major intersections on state highways shall be limited to 200 watts hps. If the city permits a light type other than high-pressure sodium, then the equivalent output shall be the limit for the other light type.

B. Canopy Lights: All lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.

C. Illumination Levels: Illumination levels and uniformity shall be in accordance with current recommended practices of the Illuminating Engineering Society. Recommended standards of the illuminating engineering society shall not be exceeded.

D. All outdoor lighting systems shall be designed and operated so that the area 10 feet beyond the property line of the premises receives no more than .25 (one quarter) of a foot-candle of light from the premises lighting system.

E. Temporary Lighting: Temporary lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary exterior lighting may be permitted by the Building Official only after considering 1) the public and/or private benefits which will result from the temporary lighting; 2) any annoyance or safety problems that may result from the use of the temporary lighting; and, 3) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the City.

F. Towers: All radio, communication, and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.

15.30.040 EXEMPTIONS AND EXCEPTIONS

A. Residential fixtures consisting of lamp types of 2050 lumens and below (the acceptability of a particular light is decided by its lumen output, not wattage. Check manufacturer's specifications). Examples include:

100 Watt Standard Incandescent and less

100 Watt Midbreak Tungsten-Halogen (quartz) and less

25 Watt T-12 Cool White Fluorescent and less

18 Watt Low Pressure Sodium and less

B. Federally funded and state funded roadway construction projects, are exempted from the requirements of this division only to the extent it is necessary to comply with federal and state requirements.

C. Fossil Fuel Light. Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels is exempt from the provisions of this article.

D. Full cutoff street lighting, which is part of a federal, state, or municipal installation.

E. Holiday lighting, not to exceed XXXX lumens in total..

F. Lighting for U.S. flags properly displayed.

G. Lighting of sports facilities or stadiums prior to 11:00 p.m. Illumination after 11:00 p.m. is also permitted if it is necessary in order to conclude a recreational, sporting or other scheduled activity, which is in progress prior to that time.

H. Specialized lighting necessary for safety **as required by law**, such as navigated or runway lighting of airports, or temporary lighting associated with emergency operations, road hazard warnings, etc.

I. Traffic control signals and devices.

J. Street lights installed in accordance with city standards

15.30.050 APPROVED MATERIALS AND METHODS OF INSTALLATION

The provisions of this chapter are not intended to prevent the use of any design, material or method of installation or operation not specifically prohibited by this chapter, provided such alternative design, material or method conforms with the intent of this division and has been approved by the City Administrator or their designee.

The City Administrator or their designee may approve an alternative design provided they find that:

A. It complies with the applicable specific requirements of this division; or

B. It has been designed or approved by a registered professional engineer and complies with the purpose of this division.

15.30.060 SUBMITTALS

All applications for building permits or land use planning review which include installation of outdoor lighting fixtures shall include lighting plans conforming to the provisions of this Ordinance. The City Administrator and/or City Engineer shall have the authority to request additional information in order to achieve the purposes of this Ordinance.

A. The submittal shall contain the following information and submitted as part of the site plan to the Planning Division for approval.

1. Plans indicating the location, type, intensity, and height of luminaries including both building and ground-mounted fixtures;
2. A description of the luminaries, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
3. Photometric data, such as that furnished by the manufacturer, showing the angle of light emission and the foot-candles on the ground; and
4. Additional information as may be required by the city in order to determine compliance with this Ordinance.

B. Applications for single/multi-family residential or other projects where any single outdoor light fixture exceeds (2050 lumens output) shall be required to comply with paragraph A above.

15.30.070 NON-PERMITTED LIGHTING

A. Newly installed fixtures, which are not full-cutoff fixtures.

B. Lighting which presents a clear hazard to motorists, cyclists, or pedestrians.

C. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

15.30.070 APPEALS

If an application is denied, an individual shall have the right of appeal to the City Council. The fee for an appeal shall be the same as in § 154.460 of the Shady Cove Municipal Code.

15.30.080 VIOLATIONS

This section may be enforced on the basis of enforcement observation, informal, or a formal complaint filed in writing with the city.

15.30.090 PENALTIES

See Chapter 90 of the Shady Cove Municipal Code.

15.30.100 SEVERABILITY

The provisions of this ordinance are severable and if any paragraph, section, subsection, or part of this ordinance is held to be invalid, unenforceable, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair the remainder of this ordinance.

Examples of Shielding Requirements

Lamp Type	25	30	35	40	50	60	75	100	100 or more
Low Pressure Sodium	Unshielded	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield
High Pressure Sodium	Unshielded	Unshielded	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield
Metal Halide	Unshielded	Unshielded	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield
Fluorescent	Unshielded	Unshielded	Unshielded	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield
Quartz	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded	Directed Shield	Directed Shield	Directed Shield	Directed Shield
Tungsten Halogen	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded	Directed Shield	Directed Shield	Directed Shield	Directed Shield
Mercury Vapor	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded	Directed Shield	Directed Shield	Directed Shield	Directed Shield
Incandescent	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded

1. For the purpose of this section wattage ratings for lamp types will be for either a single lamp source or multiple lamp sources when installed in a cluster.

2. Lamp types not listed in the table may be approved for use by the building official providing installation of these lamps conforms to the lumen limits established in this section.

3. Glass tubes filled with argon, neon or krypton do not require shielding.

Table 2: TYPICAL LUMEN VALUES FOR VARIOUS LAMP WATTAGE

Wattage	Low Pressure Sodium	High Pressure Sodium	Metal Halide	Fluorescent	Quartz	Mercury Vapor	Incandescent
9	-	-	-	600	-	-	-
18	1,800	-	-	-	-	-	-
35	4,725	2,250	-	-	-	-	-
40	-	4,000	-	2,250	-	-	480
50	-	-	-	-	1,400	1,140	480
55	7,925	-	-	-	-	-	-
60	-	-	-	-	-	-	870
70	-	5,800	5,500	-	-	-	-
75	-	-	-	-	-	2,800	1,190
90	14,400	-	-	-	-	-	-
100	-	9,500	8,000	-	-	4,300	1,750
110	-	-	-	6,600	-	-	-
150	-	16,000	-	-	-	-	2,2850
175	-	-	14,000	-	-	8,600	-
200	-	22,000	-	-	-	-	4,4010
250	-	27,500	20,500	-	-	12,100	-
300	-	-	-	-	-	-	6,360
400	-	50,000	36,000	-	-	22,500	-
500	-	-	-	-	-	-	10,850

Taken from data supplied by Portland General Electric Energy Resource Center

Shady Cove Nuisance Code - Chapter 90 Municipal Code

§ 90.03(E) EXTERIOR LIGHTING.

1. Exterior lighting shall not be directed from the property of the owner onto private residential or commercial property, streets, parklands, or other public properties and are declared to be a nuisance which affects public health, safety and/or welfare. (ref. Shady Cove Dark Sky/Lighting Ordinance)
2. Non Directional porch lights of 2050 lumens or less are not affected by this provision. For the purposes of this code section, a directional light is one that by means of a lens, reflector, or other means directs the light in a desired direction.
3. Where a public safety concern can be demonstrated, the City may grant exceptions.
4. Adjacent commercial property owners may have shared lighting so long as the property of others is not affected nor have the light trespass.