



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

05/06/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: City of Stayton Plan Amendment
DLCD File Number 002-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, May 18, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Dan Fleishman, City of Stayton
Gloria Gardiner, DLCD Urban Planning Specialist

<paa>

FORM 2

DLCD NOTICE OF ADOPTION

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF

APR 29 2009

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Stayton

Local File No.: 6-03/09

(If no number, use none)

Date of Adoption: April 20, 2009

(Must be filled in)

Date Mailed: April 27, 2009

(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: not applicable

Comprehensive Plan Text Amendment

Land Use Regulation Amendment

New Land Use Regulation

Comprehensive Plan Map Amendment

Zoning Map Amendment

Other: _____

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write [See Attached.]

These amendments to our Land Use and Development correct errors and inconsistencies in the standards for outdoor lighting and establish new outdoor lighting standards for public uses and multifamily developments.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write [Same.] If you did not give notice for the proposed amendment, write [N/A.]

Changes were made following the City Council hearing to the standards for outdoor lighting in multifamily developments.

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: None

Was an Exception Adopted? Yes No

DLCD File No.: _____

Did the Department of Land Conservation and Development **receive** a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: none

Local Contact: Dan Fleishman

Address: 362 N Third Avenue

Zip Code+4: 97383

Area Code + Phone Number: (503) 769-2998

City: Stayton

Email Address: dfleishman@ci.stayton.or.us

DLCD FILE No. 002-09 (17539)

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO (2) Copies** of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

COPY

ORDINANCE NO. 909

AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE, TITLE 17 TO REVISE THE OUTDOOR LIGHTING STANDARDS

WHEREAS, Oregon Revised Statutes, Chapter 197 requires municipalities to adopt and implement a comprehensive land use planning program in accordance with statewide planning goals established by the Legislature and the Oregon Land Conservation and Development Commission;

WHEREAS, the Stayton Comprehensive Plan and Title 17, Land Use and Development, of the Stayton Municipal Code (SMC), Section 17.20.170, currently contains standards for outdoor lighting;

WHEREAS, application of the standards of SMC Section 17.20.170 reveals errors and inconsistencies regarding the permissible lighting standards;

WHEREAS, the review of multifamily development proposals has revealed there are currently no outdoor lighting standards that apply to these developments;

WHEREAS, the City Council recognizes the need for appropriate standards for outdoor lighting and does not wish to constrain new development through the application of inappropriate standards;

WHEREAS, following a public hearing, the Stayton Planning Commission has unanimously recommended that the Stayton City Council enact the proposed amendments to Stayton's standards for outdoor lighting; and

WHEREAS, following a public hearing, the Stayton City Council deems the proposed amendments to comply with the provisions of the Comprehensive Plan.

NOW, THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. Stayton Municipal Code, Title 17, Sections 17.04.100 and 17.20.170, are amended as shown on Exhibit A attached hereto and incorporated herein.


SECTION 2. Upon adoption by the Stayton City Council and Mayor's signing, this Ordinance shall become effective 30 days after the date of signing.

SECTION 3. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.


ADOPTED BY THE STAYTON CITY COUNCIL this 20th day of April, 2009.

CITY OF STAYTON

Signed: 04/22 / , 2009

BY:  Gerry Aboud, Mayor

Signed: 4/22 / , 2009

ATTEST:  Don Eubank, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney

Additions are underlined; Deletions are ~~crossed out~~.

Part 1. Add two new definitions to **Section 17.04.100**

COLOR RENDERING INDEX: The measure of how a light changes perception of colors. Incandescent lamps have a CRI of 100, metal halide 70-75, mercury vapor 50, high pressure sodium 22 and low pressure sodium 44.

UNIFORMITY RATIO: The ratio of minimum illumination to average illumination.

Part 2. Amend **Section 17.04.100** to correct errors, remove repetitive language, and establish new standards for outdoor lighting at multifamily developments and for public-semi/public uses.

17.20.170 OUTDOOR LIGHTING

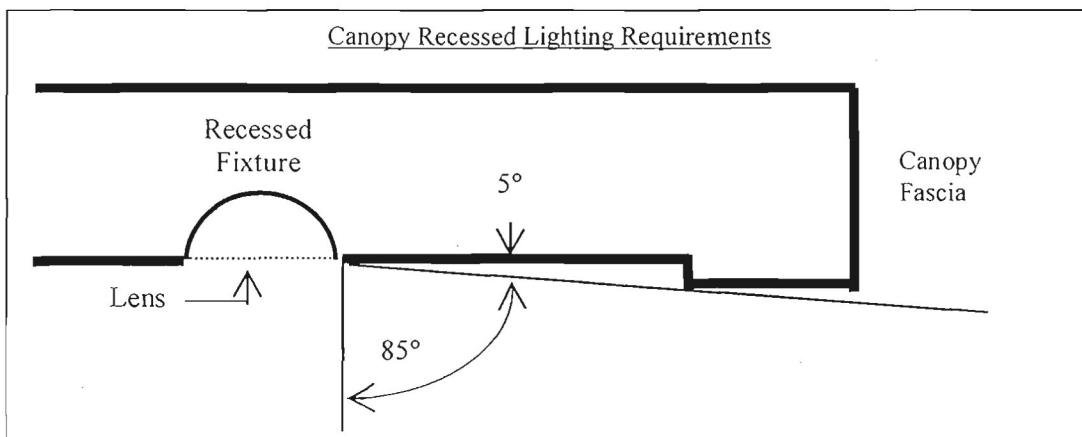
1. **PURPOSE.** The purposes of these lighting standards are: ~~conservation of conserving~~ energy, minimizing light pollution and glare on adjacent properties, protecting residential uses from neighboring commercial or industrial uses, and promoting traffic and pedestrian safety.
2. **GENERAL STANDARDS.** Lighting may be provided which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of the traveling public on adjacent roadways. Lighting fixtures with more than 800 lumens of light output shall be ~~shielded or hooded~~ cut-off fixtures so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Direct or indirect illumination shall not exceed 0.5 foot candles upon abutting lots in residential use measured at the property line.

Whenever practicable, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting. When an outdoor lighting installation is being modified, extended, expanded, or added to, the entire lighting installation shall be subject to the requirements of this Section.

- a. Electrical service to outdoor lighting fixtures shall be underground unless the fixtures are mounted directly on utility poles.
 - b. For the purposes of this Section, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture.
 - c. Holiday lighting during the months of November, December, and January shall be exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties.
3. **PROCESS.** When an application for land use approval contains outdoor lighting installation or replacement, the decision authority shall review and approve the lighting installation as part of the application. Lighting installation or replacement that is not part of a land use approval application need not submit a lighting plan or obtain a permit beyond that which may be required by the Electrical Code, but shall meet the standards below.
 4. **NON-RESIDENTIAL LIGHTING STANDARDS.** The following additional standards shall apply to all commercial, industrial, public and semi-public uses:
 - a. **Lighting of Gasoline Station/Convenience Store Aprons and Canopies.** Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to

attract attention to the businesses. Signs allowed under Section 17.20.140 shall be used for that purpose.

- 1) Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this section. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.
- 2) Areas around the pump islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least 1.0 foot-candle and no more than 5.5 foot-candles. The uniformity ratio (~~ratio of average to minimum illuminance~~) shall be no greater than 4:1, ~~which yields an~~ and the maximum average illumination level ~~shall be no more than~~ 22.0 foot-candles.
- 3) Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85° from vertical, as shown in the figure below.



- 4) As an alternative to recessed ceiling lights, indirect lighting may be used where light is beamed upward and reflected down from the underside of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
 - 5) Lights shall not be mounted on the top or sides (fascias) of the canopy and the sides (fascias) of the canopy shall not be illuminated.
- b. Lighting of Exterior Display/Sales Areas. Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under Section 17.20.140 shall be used for that purpose. The site plan shall designate areas to be considered display/sales areas and areas to be used a parking or passive vehicle storage areas. This designation must be approved by the decision authority.
- 1) Areas designated as parking or passive vehicle storage areas shall be illuminated in accordance with the requirements for parking areas in Section 17.20.060170.4.c.
 - 2) Areas designated as exterior display/sales areas shall be illuminated so that the average horizontal illuminance at grade level is no more than 5.0 foot-candles. The uniformity ratio (~~ratio of average to minimum illuminance~~) shall be no greater than 4:1. The

average and minimum shall be computed for only that area designated as exterior display/sales area.

- 3) Light fixtures shall be full cut-off fixtures, and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.
 - 4) Fixtures shall be mounted no more than ~~25~~20 feet above grade and mounting poles shall be located either inside the illuminated area or no more than 10 feet away from the outside edge of the illuminated area.
 - 5) Except for lighting meeting the standards of Section 17.20.060.4.c, exterior display/sales areas shall be illuminated only when the establishment is open for business.
- c. Lighting of Parking Areas. Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.
- 1) All lighting fixtures serving parking lots shall be full cut-off fixtures.
 - 2) As an alternative in the ~~Historic Downtown Business Overlay and Historic Downtown Residential Business Overlay~~ Districts, the design for an area may suggest the use of parking lot lighting fixtures of a particular “period” or architectural style, as either alternatives or supplements to the lighting described above.
 - a) If such fixtures are not cut-off fixtures, the maximum initial lumens generated by each fixture shall not exceed 2,000 (equivalent to a 150-watt incandescent bulb).
 - b) Mounting heights of such alternative fixtures shall not exceed 15 feet.
 - 3) Parking area lighting shall meet the following mounting height, minimum illumination level, and uniformity ratios.

Table 17.20.170.4.c.3 Parking area lighting standards

Feature	Commercial Zones	Downtown Zones	Industrial Zones
Maximum Mounting Height	20 feet	14 feet	25 feet
Maximum Average Minimum Illumination Level	0.3 foot-candle	0.3 foot-candle	0.5 foot-candle
Maximum Average Illumination Level	<u>1.6 foot-candle</u>	<u>2.0 foot-candle</u>	<u>2.6 foot-candle</u>
Uniformity Ratio [*]	4:1	4:1	4:1
Minimum Color Rendering Index ^{**}	65	65	20

(Amended Ord. 902, May 7, 2008)

~~* Uniformity ratio is the ratio of average illumination to minimum illumination~~

~~** Color Rendering Index is a measure of how a light changes perception of colors. Incandescent lamps have a CRI of 100, metal halide 70-75, mercury vapor 50, high pressure sodium 22 and low pressure sodium 44.~~

- d. Security Lighting. The purpose of and need for security lighting (i.e. lighting for safety of persons and property) must be demonstrated as part of an overall security plan which includes at least illumination, surveillance, and response, and which delineates the area to be illuminated for security purposes. To the extent that the designated areas is illuminated for other purposes (parking or display), independent security lighting is discouraged.

- 1) In addition to the application materials required as part of the lighting plan, applications for security lighting installations shall include a written description of the need for a purposes of the security lighting, a site plan showing the area to be secured and the location of all security lighting fixtures, specifications of all fixtures, the horizontal and vertical angles in which light will be directed, and adequate cross-sections showing how light will be directed only onto the area to be secured.
- 2) All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general floodlighting fixtures is discouraged unless the above standards can be met.
- 3) Security lighting may illuminate vertical surfaces (e.g. building facades and walls) up to a level 8 feet above grade or 8 feet above the bottoms of doorways or entries, whichever is greater.
- 4) Security lighting fixtures may be mounted on poles located no more than 10 feet from the perimeter of the designated secure area.
- 5) Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located with 5 feet of the perimeter.
- 6) Security lighting shall meet the standards of the table below:

Table 17.20.170.4.d.6 Security area lighting standards

Feature	Commercial Zones	Downtown Zones	Industrial Zones
Maximum Mounting Height	20 feet	14 feet	25 feet
Maximum Average Horizontal Illumination Level on Ground	no more than 1.0 foot-candle	no more than 1.0 foot-candle	no more than 1.5 foot-candle
Maximum Average Illumination Level on Vertical Surface	no more than 1.0 foot-candle	no more than 1.0 foot-candle	no more than 1.5 foot-candle
Minimum Color Rendering Index ^z	65	65	20

(Amended Ord. 902, May 7, 2008)

^z—Color Rendering Index is a measure of how a light changes the perception of colors. Incandescent lamps have a CRI of 100, metal halide 70-75, mercury vapor 50, high pressure sodium 22 and low pressure sodium 44.

5. MULTI-FAMILY RESIDENTIAL LIGHTING STANDARDS. The following additional standards shall apply to all multi-family developments:

- a. Lighting of Parking Areas. Parking lot lighting shall provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.

- 1) All lighting fixtures serving parking lots shall be full cut-off fixtures.

- 2) Parking area lighting shall have a maximum mounting height of 15 feet, a minimum illumination level of 0.3 foot-candles, a maximum illumination level of 1.4 foot candles, a uniformity ratio of 4:1, and a minimum color rendering index of 65.
- b. Lighting of Pedestrian Walkways. Pedestrian walkways in a multi-family development shall meet the following standards.
- 1) All lighting fixtures shall be full cut-off fixtures.
 - 2) If pedestrian walkways are adjacent to illuminated parking areas, public rights-of-way or common open space this standard shall be met without the need for additional lighting if the ambient lighting meets the illumination levels, uniformity ratio and minimum color rendering index specified in subsection 5.b.3
 - 3) Pedestrian walkways between parking areas and buildings or adjacent to dwellings and off-street multi-purpose pathways shall use bollard lights with a minimum illumination level of 0.3 foot-candles, a maximum illumination level of 1.2 foot-candles, a uniformity ratio of 4:1, and a minimum color rendering index of 65.
 - 4) The decision authority, in consultation with the Parks and Recreation Commission and the Public Works Director, may require off-street walk and bike trails built within or adjacent to a multifamily development in accordance with the Parks and Recreation Master Plan to be illuminated in accordance with the standards of Section 17.20.1705.b.3) above.
 - 5) Rustic trails built within or adjacent to a multifamily development in accordance with the Parks and Recreation Master Plan shall not be illuminated.
6. PUBLIC LIGHTING STANDARDS. The following additional standards shall apply to all public and semi-public uses.
- a. Lighting of Parks and Open Space.
- 1) All lighting fixtures shall be full cut-off fixtures.
 - 2) Where illumination is provided, lighting of parks or open space shall have a maximum mounting height of 20 feet, minimum illumination level of 0.3 foot-candles, maximum illumination level of 1.6 foot-candles, uniformity ratio of 4:1, and color rendering index of 65.
 - 3) The decision authority, in consultation with the Parks and Recreation Commission and the Public Works Director, shall determine whether off-street walk and bike trails built in accordance with the Parks and Recreation Master Plan, are required to be illuminated in accordance with the standards of Section 17.20.1705.b.3) above.
 - 4) Rustic trails built in accordance with the Parks and Recreation Master Plan shall not be illuminated.



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