

**BEFORE THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF CLATSOP**

In the Matter of:

**An Ordinance adopting outdoor
lighting regulations and nuisance
lighting abatement procedures for
Unincorporated Clatsop County.**

ORDINANCE NO. 20-02

Doc # **RECORDED**

MAY 14 2020

Recording Date: **2020050016**

RECITALS

WHEREAS, the Clatsop County Board of Commissioners held work sessions to discuss the topic of outdoor lighting regulations on January 23, 2019 and February 4, 2020; and

WHEREAS, the county is interested in reducing the negative impacts caused by excessive or inappropriate exterior lighting in Clatsop County; and

WHEREAS, the County of Clatsop is interested in establishing "Dark Sky" provisions that will in time make the night sky more visible throughout the county.

WHEREAS, the installation and use of outdoor lighting where the output of the light source is appropriate to the need for illumination and controlled in such a way that it avoids illumination of, or casting glare onto adjacent properties, rights-of-way, or the night sky, is an appropriate and efficient use of lighting; and

WHEREAS, lighting that is directed at neighboring property, rights-of-way, or the night sky, can create adverse impacts and it is not specifically recognized as a public nuisance under the current Clatsop County Code of Regulations; and

WHEREAS, the Clatsop County Board of Commissioners seeks to promote the use of outdoor lighting that enhances the livability of the community and minimizes the negative impacts exterior lighting can have on surrounding properties and the environment;

THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAINS AS FOLLOWS:

SECTION 1. ADOPTION

The Board of County Commissioners hereby adopts the Clatsop County Outdoor Lighting Ordinance as shown in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 2. SEPARABILITY

The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. CONFORMANCE OF STATE LAW

This Ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the state of Oregon, or its agencies, or any ordinance, rule, or regulation of Clatsop County.

SECTION 4. INCONSISTENT PROVISIONS

This Ordinance shall supersede, control and repeal any inconsistent provision of any County Ordinance as amended or any other regulations made by Clatsop County.

SECTION 5. APPLICABILITY

This Ordinance shall apply within the unincorporated areas of Clatsop County but shall not apply within the boundaries of any incorporated City.

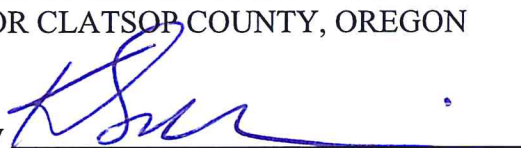
SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect on the 30th day following adoption by the Board of Commissioners as provided in Chapter III, Section 8(B) of the Home Rule Chapter for the Government of Clatsop County.

Approved this 14 day of ^{May}~~March~~, 2020

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

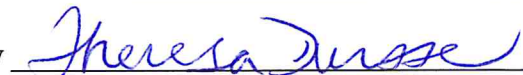
By


Kathleen Sullivan, Chair

Date

5-14-20

By


Theresa Dursse, Recording Secretary

First Reading: 3-11-20

Second Reading: 5-13-20

Effective Date 6-13-20

Chapter 8.20
OUTDOOR LIGHTING

Sections:

<u>8.20.010</u>	<u>Policy and Purpose.</u>
<u>8.20.020</u>	<u>Definitions.</u>
<u>8.20.030</u>	<u>Applicability.</u>
<u>8.20.040</u>	<u>Outdoor Lighting Standards.</u>
<u>8.20.050</u>	<u>Prohibitions.</u>
<u>8.20.060</u>	<u>Exemptions.</u>
<u>8.20.070</u>	<u>Administration and Enforcement.</u>

8.20.010 Policy and Purpose.

The purpose of this ordinance is to provide regulations for residential, commercial, and public area outdoor lighting that will:

- (A) Allow outdoor lighting appropriate to the need;
- (B) Prevent light from shining onto adjacent properties, rights-of-way, or the night sky;
- (C) Encourage energy conservation without decreasing safety, utility, security, and productivity;
- (D) Enhance the livability and nighttime enjoyment of property in Clatsop County by minimizing the negative impacts exterior lighting can have on surrounding persons, properties, rights-of-way, and the environment;
- (E) Establish guidelines for the installation and use of outdoor lighting that is controlled in such a way that it illuminates only the subject property and avoids illumination of surrounding properties, rights-of-way, or the night sky;
- (F) Further define lighting classified as a public nuisance.

8.20.020 Definitions.

- (A) FULLY SHIELDED: A light fixture which has shielding applied in such a manner that all illumination emitted by the light fixture is projected below the horizontal plane, measured from the lowest point of the lowest light-emitting component.
- (B) GLARE: Light emitted from a light fixture which enters the eye directly or by reflection, causing visual discomfort and/or reduced visibility.
- (C) LIGHT FIXTURE: Any electrical equipment which has been designed to provide illumination, including, but not limited to lighting used for safety, utility, security, productivity, or decorative purposes.
- (D) LIGHT TRESPASS: Light emitted from a light fixture, which falls beyond the property on which it is installed.
- (E) NEW LIGHT FIXTURE: A light fixture installed where there was previously no light fixture.
- (F) OUTDOOR LIGHTING: Any permanent or temporary light fixture installed outside the envelope of an enclosed structure.
- (G) REPLACEMENT LIGHT FIXTURE: A light fixture installed in place of an existing light fixture. This does not include replacement of light-emitting components such as lightbulbs, lamps, fluorescent tubes, LEDs, or similar components, within existing light fixtures.
- (H) SHIELDING: An opaque material applied to a light fixture which serves to direct or contain illumination.
- (I) SKY GLOW: The brightening of the night sky caused by light directed or reflected upwards.

- (J) TEMPORARY LIGHTING: Light fixtures which are not permanently installed and which are used not more than 90 days in any calendar year.
- (K) UNSHIELDED: A light fixture which has no shielding to direct or contain illumination.
- (L) WATER-DEPENDENT: A use or use and activity which can only be carried out on, in or adjacent to water areas because the use requires access to the waterbody for water-borne transportation, recreation, energy production, or source of water.
- (M) WATER-RELATED: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterways, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

8.20.030. Applicability.

Except as exempted by Section 8.20.060, all outdoor lighting fixtures installed or replaced after the effective date of this chapter shall conform to its provisions. This chapter applies to any property lying within unincorporated Clatsop County, but does not apply within any Urban Growth Boundary.

8.20.040. Outdoor Lighting Standards.

- (A) All non-exempt light fixtures shall be fully shielded.
- (B) All non-exempt light fixtures shall be installed in such a manner as to prevent light trespass.

8.20.050. Prohibitions.

- (A) Laser Source Light. The use of laser source light or any similar high intensity light when projected beyond property lines or into the sky is prohibited.
- (B) Searchlights. The operation of searchlights for purposes other than public safety or emergencies is prohibited, unless exempted by this chapter.
- (C) Flood lights, spot lights, or other fixtures situated in such a manner as to illuminate beach frontages or the ocean, except in the support of maritime industries, water-dependent or water-related uses, and search and rescue operations.

8.20.060. Exemptions.

The following light fixtures are exempt from compliance with the provisions of this chapter. These exemptions shall not prevent later adoption of standards that may address the retrofitting or removal of certain light fixtures:

- (A) Outdoor light fixtures lawfully installed prior to the effective date of this ordinance are exempt from all such requirements except as follows:
 - (1) A light fixture directed onto a neighboring property or right-of-way such that the glare is declared a nuisance.
 - (2) A light fixture, or fixtures, located on property that is the subject of an application for a development permit.
- (B) Motion detector lights which operate automatically for periods of less than 5 minutes.
- (C) Low-intensity ornamental lighting such as pathway lights, post-cap lights, landscape lights, and café-style string lights.
- (D) Any lighting used in support of search and rescue or other emergency response operations.
- (E) Any lighting affixed to maritime vessels.

- (F) Lighting necessary to support regularly-scheduled road work.
- (G) Any lighting used in support of emergency repair, replacement, or protection of existing structures, utility facilities, or roadways, provided that any permanently installed light fixtures comply with the provisions of this chapter after the emergency has passed.
- (H) Lighting necessary to support permitted water-dependent or water-related uses, quarry and mining activities, or permitted uses on land located in the Heavy Industrial Zone; however, all such lighting shall aspire to comply with the provisions of this chapter where practicable.
- (I) Lighting associated with discrete farming practices as defined in ORS 30.930 and agricultural use as defined in OAR 603-095-0010; however, permanent light fixtures on buildings, structures or poles associated with farm practices and agricultural use shall aspire to comply with the provisions of this chapter where practicable. For the purposes of this exemption, "discrete farming practices" does not include farm stands or agri-tourism events or other commercial activities.
- (J) Lighting associated with discrete forest practices as defined by ORS Chapter 527; however, permanent light fixtures on buildings, structures or poles associated with forest practices shall aspire to comply with the provisions of this chapter where practicable.
- (K) Airport lighting as required by state and/or federal law. All other airport lighting shall comply with the provisions of this chapter.
- (L) Communication facility and/or tower lighting as required by state and/or federal law. All other communication facility lighting shall comply with the provisions of this chapter.
- (M) Correctional facility lighting as required by state and/or federal law. All other correctional facility lighting shall comply with the provisions of this chapter.
- (N) The following types of temporary lighting, used not more than 90 days in any calendar year:
 - (1) Temporary lighting for holiday decoration purposes.
 - (2) Temporary lighting associated with carnivals, fairs, or other permitted special events; however, permanent light fixtures located at dedicated special event sites shall conform to the standards of this chapter.
 - (3) Temporary lighting associated with permitted film productions.
- (O) Lighting for U.S. flags intended to be properly displayed at night.
- (P) Light fixtures used in support of private and public outdoor recreation facilities, outdoor performance areas, and other similar outdoor facilities, provided lighting is extinguished within one hour after the conclusion of the final event of the day.
- (Q) Lighting necessary to meet federal, state or local historic preservation standards when such lighting cannot both serve the public need and comply with the standards of this chapter.
- (R) Permitted exemptions to the requirements of this ordinance for up to 30 days per calendar year.
- (S) Street and/or pedestrian lighting located within a right-of-way; however, all lighting shall aspire to comply with the provisions of this chapter where practicable.
- (T) Traffic control devices in compliance with the Manual on Uniform Traffic Control Devices.
- (U) Sign lighting, which is subject the standards found in Title 16, Land and Water Development and Use, Clatsop County Code of Regulations.

8.20.070. Administration and Enforcement.

- (A) ADMINISTRATION: For all new and existing outdoor light fixtures on property that is the subject of an application for a development permit, an applicant shall demonstrate the standards of this chapter are met.

- (B) ENFORCEMENT: This chapter may be enforced pursuant to Chapter 1.12, Code Compliance, of the Clatsop County Code of Regulations. Any non-exempt outdoor light fixture installed or replaced in violation of this chapter is a public nuisance and enforcement action may be taken pursuant to Chapter 1.12, Code Compliance, of the Clatsop County Code of Regulations.
- (C) The remedies provided in this chapter are not exclusive and shall not prevent the County from exercising any other remedy available under the law.