



Oregon

John A. Kitzhaber, M.D., Governor

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 11/07/2014
Jurisdiction: City of Cannon Beach
Local file no.: ZO 14-01
DLCD file no.: 005-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/05/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 50 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 005-13
{19761}
Received: 11/5/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Cannon Beach

Local file no.: **ZO 14-01**

Date of adoption: 11/04/14

Date sent: 11/04/14

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12/04/13

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Minor changes

Local contact (name and title): Mark Barnes

Phone: (503) 436-8040

E-mail: barnes@ci.cannon-beach.or.us

Street address: PO Box 368
97110

City: Cannon Beach

Zip:

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Chapter 17.44, Design Review Procedures and Criteria; Chapter 17.90, General Regulations and Requirements

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

FINDINGS OF FACT

ORDINANCE 14-06, AMENDING MUNICIPAL CODE CHAPTER 17.44, DESIGN REVIEW PROCEDURES AND CRITERIA; AND CHAPTER 17.90, GENERAL REQUIREMENTS AND REGULATIONS, TO ADDRESS EXTERIOR LIGHTING.

BACKGROUND

This ordinance was initiated by the City Council on August 6, 2013. The Design Review Board and Planning Commission conducted work sessions in November and December of 2013. The Planning Commission opened a public hearing in January 2014. At its March 2014 meeting, the Planning Commission recommended that the City Council adopt the proposed amendments.

The City Council opened a public hearing on this on May 6, 2014, and continued the hearing through September 2014 to allow for an extended work session. The Council conducted a first reading of the proposed ordinance on October 7, 2014, and a second reading on November 4, 2014.

ANALYSIS/INFORMATION

Section 17.86.070.A establishes two criteria for approval of zoning ordinance text amendments. The proposed amendments must also be consistent with the applicable statewide planning goals. These requirements are reproduced and addressed below.

17.86.070.A. Before an amendment to the text of the ordinance codified in this title is approved, findings will be made that the following criteria are satisfied:

- 1. The amendment is consistent with the comprehensive plan;*

Two comprehensive plan policies are applicable to the proposed zoning ordinance text amendment.

General Development Policy 1. The Design Review Board shall evaluate all development, other than single-family dwellings within the City to insure that it is in keeping with the design criteria of the Zoning Ordinance and is compatible with the surrounding development.

Recreation, Open Space, Natural, Visual and Historic Resources Policy 15. Spotlights to illuminate the beach and the ocean are prohibited. Oceanfront development may include lighting that is designed for on-premise security purposes only. Existing spotlights or floodlights which are not designated for security lighting shall be phased out.

The proposal is consistent with policy 1 because the proposed amendments retain the practice of Design Review Board review of all development other than single-family dwellings. Proposed amendments do not weaken the Zoning Ordinance's design criteria. Compatibility with surrounding development is not compromised by the proposed amendments.

Proposed amendments are consistent with policy 15. The prohibition on beach illumination is retained. The restrictions on exterior lighting at oceanfront developments are not changed.

17.86.070.A. Before an amendment to the text of the ordinance codified in this title is approved, findings will be made that the following criteria are satisfied:

- 2. The amendment will not adversely affect the ability of the city to satisfy land and water use needs.*

The proposed amendments have no impact on the ability of the city to satisfy land use needs because:

- The amendments do not increase or decrease the inventory of vacant developable land available in Cannon Beach;
- The amendments do not reduce the allowable density of development or redevelopment;
- The amendments do not alter the existing balance between commercial and residential land;
- The amendments do not add a significant barrier to commercial or residential development or redevelopment.

Statewide Planning Goals

Statewide planning goal 2: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City's land use planning framework is well-established, and includes a comprehensive plan and a set of implementing ordinances that define information requirements for all decision-making processes. The proposed amendments fit into this framework, and rely on existing decision-making procedures.

Statewide planning goal 5: To protect natural resources and conserve scenic and historic areas and open spaces.

The City's comprehensive plan includes a goal 5 element. The night sky is not listed as a goal 5 resource in the statewide planning goal; nor is it inventoried as a goal 5 resource by the City. Policy 15, quoted above, is part of the City's goal 5 comprehensive plan element.

Statewide planning goal 13: To conserve energy.

Limits on exterior lighting will reduce energy use; however this effect is incidental to the purpose of the proposed amendments. Statewide planning goal 13 does not require regulation of exterior lighting. The amendments to chapters 17.44 and 17.90 are not intended to be goal 13 implementation measures.

BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH

FOR THE PURPOSE OF AMENDING MUNICIPAL) ORDINANCE 14-06
CODE CHAPTERS 17.44 AND 17.90, PERTAINING)
TO EXTERIOR LIGHTING)

The City of Cannon Beach does ordain as follows:

Section 1. Amend Municipal Code section 17.44.020.C to read as follows:

C. Any alteration of site improvements, such as exterior lighting, landscaping or off-street parking, in conjunction with an existing nonresidential use, except for alterations which are determined to be minor, pursuant to Section 17.44.110 (B);

Section 2. Amend Municipal Code section 17.44.050.D.15 to read as follows:

15. Exterior lighting, including the type, intensity, height above grade, and area to be illuminated;

Section 3. Amend Municipal Code section 17.44.070.B to read as follows:

B. The design review board is not authorized, as part of the design review process, to approve projects which exceed specific development standards provided for by the zoning ordinance (e.g., building height or building setback), except as noted below:

1. The Design Review Board may approve proposals exceeding the lumen limits in section 17.44.150 provided that all exterior lighting on the subject property is either (a) fully shielded relative to all adjoining residentially-zoned property; or (b) fully compliant with the maximum backlight/uplight/glare standards in Table B.

Section 4. Amend Municipal Code section 17.44.090.M to read as follows:

x2 M. Lighting fixtures: (1) are compatible with the architectural design; (2) produce illumination sufficiently subdued to be compatible with the village character; (3) avoid casting glare on adjoining property; (4) are sufficient for night-time safety, utility, security, and commerce; and (5) do not exceed the illumination values in the table at section 17.44.150.

Section 5. Amend Municipal Code section 17.44.100.L to read as follows:

x2 L. The lighting fixtures and level of illumination are compatible with the landscape design. The level of illumination produced enhances the overall project and does not cast glare on adjacent property or into the night sky.

Section 6. Add a new section 17.44.150 to the Municipal Code to read as follows:

17.44.150 Exterior Lighting Standards. Exterior lighting authorized under this chapter shall meet the requirements of this section. Three methods for determining the maximum allowable illumination are provided. The choice between these three methods is the applicant's.

A. Parking Space Method. An outdoor lighting installation complies with this section if it meets the requirements of subsections 1, 2, and 3, below. The parking space method is applicable only to non-residential outdoor lighting, and only to sites with ten or fewer off-street parking spaces.

1. Total Site Lumen Limit: The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be limited to 630 lumens per off-street parking space, including handicapped-accessible spaces. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens is calculated as the sum of the initial luminaire lumens for all luminaires.
2. Limits to Off Site Impacts: All luminaires shall be rated and installed according to Table B.
3. Light Shielding for Parking Lot Illumination: All parking lot lighting shall have no light emitted above 90 degrees.

B. Hardscape Method. An outdoor lighting installation complies with this section if it meets the requirements of subsections 1, 2, and 3, below.

1. Total Site Lumen Limit: The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using Table A. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens is calculated as the sum of the initial luminaire lumens for all luminaires.
2. Limits to Off Site Impacts: All luminaires shall be rated and installed according to Table B.
3. Light Shielding for Parking Lot Illumination: All parking lot lighting shall have no light emitted above 90 degrees.

C. Performance Method. An outdoor lighting installation complies with this section if it meets the requirements of subsections 1, 2, and 3, below.

1. Total Site Lumen Limit: The total installed initial luminaire lumens of all lighting systems on the site shall not exceed the allowed total initial site lumens. The maximum allowed total initial site lumens shall not exceed the sum of base lumens, as determined under subsection (a), plus any applicable additional lumens allowed under Table C. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens of all is calculated as the sum of the initial luminaire lumens for all luminaires.
 - (a) Base Lumens: 2.5 lumens per square foot of site area, up to a maximum of 7,000 lumens.
2. Limits to Off Site Impacts: All luminaires shall be rated and installed using either Option A or Option B. Only one option may be used per permit application.

Option A: All luminaires shall be rated and installed according to Table B.

Option B: The entire outdoor lighting design shall be analyzed using industry standard lighting software including inter-reflections in the following manner:

- 1) Input data shall describe the lighting system including luminaire locations, mounting heights, aiming directions, and employing photometric data tested in accordance with IES guidelines. Buildings or other physical objects on the site within three object heights of the property line must be included in the calculations.
- 2) Analysis shall utilize an enclosure comprised of calculation planes with zero reflectance values around the perimeter of the site. The top of the enclosure shall be no less than 33 feet (10 meters) above the tallest luminaire. Calculations shall include total lumens upon the inside surfaces of the box top and vertical sides and maximum vertical illuminance (footcandles and/or lux) on the sides of the enclosure. The design complies if:
 - a) The total lumens on the inside surfaces of the virtual enclosure are less than 15% of the total site lumen limit; and
 - b) The maximum vertical illuminance on any vertical surface does not exceed 0.3 foot-candles or 3.0 lux.

Section 7. Add the following tables A, B, and C to the Municipal Code following section 17.44.150:

Table A. Allowed Total Lumens per Site for Non-Residential Outdoor Lighting, Hardscape Area Method. May be used for any project. When lighting intersections of site drives and public streets or roads, a total of 600 square feet for each intersection may be added to the actual site hardscape area to provide for intersection lighting.

Base Allowance per square foot of hardscape	2.5 lumens per square foot
Additional Allowance, Outdoor Sales Lots. This allowance is lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking, or other non-sales areas. To use this allowance, luminaries must be within two mounting heights of sales lot area.	8 lumens per square foot
Additional Allowance, Outdoor Sales Frontage. This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area.	1,000 lumens per lineal foot
Drive Up Windows. In order to use this allowance, luminaires must be within 20 feet horizontal distance of the center of the window.	4,000 lumens per drive-up window
Vehicle Service Station. This allowance is lumens per installed fuel pump or per electric vehicle charging station.	8,800 lumens per pump or charging station

Table B. Maximum Allowable Backlight, Uplight and Glare (BUG) Ratings. May be used for any project. A luminaire may be used if it is rated for the lighting zone of the site or lower in number for all ratings B, U and G. Luminaires equipped with adjustable mounting devices permitting alteration of luminaire aiming in the field shall not be permitted.

Maximum Allowed Backlight Rating	More than 2 mounting heights from property line: B4	1 to 2 mounting heights from property line: B3	Less than 1 but more than 0.5 mounting heights from property line: B2	Property line to 0.5 mounting height from property line: B0
Maximum Allowed Uplight Rating	U2			
Maximum Allowed Glare Rating	Any luminaire mounted with its backlight perpendicular to the nearest property line: G2	Any luminaire not ideally oriented with respect to a property line of concern, 1 to 2 mounting heights from the nearest property line: G1	Any luminaire not ideally oriented with respect to a property line of concern, less than 1.0 mounting heights from the nearest property line: G0	

Note: For purposes of determining Glare Rating, any luminaire not mounted with its backlight perpendicular to the nearest property line is not ideally mounted.

Table C. Performance Method Additional Initial Luminaire Lumen Allowances.	
Rows 1 through 6: Additional lumen allowances for all buildings except service stations and outdoor sales facilities. A maximum of three (3) additional allowances are permitted.	
1. Building Entrances and Exits. This allowance is per door. To use this allowance, luminaires must be within 20 feet of the door.	2,000 lumens
2. Building Facades: This allowance is lumens per unit area of building facade that are illuminated. To use this allowance, luminaires must be aimed at the facade and capable of illuminating it without obstruction.	8 lumens per square foot
3. Sales or Non-sales Canopies. This allowance is lumens per unit area for the total area within the drip line of the canopy. To qualify for this allowance, luminaires must be located under the canopy.	6 lumens per square foot
4. Guard Stations. This allowance is lumens per unit area of guardhouse plus 2000 sf per vehicle lane. To use this allowance, luminaires must be within 2 mounting heights of a vehicle lane or the guardhouse.	12 lumens per square foot
5. Outdoor Dining. This allowance is lumens per unit area for the total illuminated hardscape of outdoor dining. To use this allowance, luminaires must be within 2 mounting heights of the hardscape area of outdoor dining.	5 lumens per square foot
6. Drive Up Windows. This allowance is lumens per window. To use this allowance, luminaires must be within 20 feet of the center of the window.	4,000 lumens per drive-up window
Rows 7 and 8: Additional lumen allowances for service stations only. Service stations may not use any other additional allowances.	
7. Vehicle Service Station Hardscape. This allowance is lumens per unit area for the total illuminated hardscape area less area of buildings, area under canopies, area off property, or areas obstructed by signs or structures. To use this allowance, luminaires must be illuminating the hardscape area and must not be within a building, below a canopy, beyond property lines, or obstructed by a sign or other structure.	8 lumens per square foot

Table C. Performance Method Additional Initial Luminaire Lumen Allowances.	
8. Vehicle Service Station Canopies. This allowance is lumens per unit area for the total area within the drip line of the canopy. To use this allowance, luminaires must be located under the canopy.	5 lumens per square foot
Rows 9 and 10: Additional lumen allowances for outdoor sales facilities only. Outdoor sales facilities may not use any other additional allowances. Lighting permitted by these allowances shall employ controls extinguishing this lighting after a curfew time to be determined by the City.	
9. Outdoor Sales Lots. This allowance is lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non sales areas and shall not exceed 25% of the total hardscape area. To use this allowance, luminaires must be within 2 mounting heights of the sales lot area.	8 lumens per square foot
10. Outdoor Sales Frontage. This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. To use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area.	1,000 lumens per lineal foot

Section 8. Add a new section 17.90.110 to the Municipal Code to read as follows:

17.90.110 Residential Exterior Lighting:

Exterior lighting, either free-standing or attached to a single-family residence, shall comply with these standards.

A. General Requirements

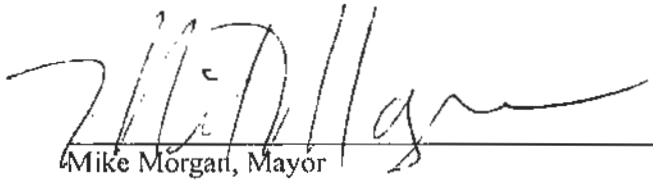
For residential properties including multiple residential properties not having common areas, all outdoor luminaires shall be fully shielded and shall not exceed 1,260 lumens.

B. Exceptions

1. One partly shielded or unshielded luminaire at the main entry, not exceeding 630 lumens.
2. Any other partly shielded or unshielded luminaires not exceeding 315 lumens.
3. Low voltage landscape lighting aimed away from adjacent properties and not exceeding 2,100 lumens
4. Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding 2,100 lumens.
5. Open flame gas lamps.
6. Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 15 minutes after the area is vacated.
7. Exempt Lighting:
 - (a) Temporary lighting for theatrical, television, performance areas and construction sites;
 - (b) Underwater lighting in swimming pools and other water features;
 - (c) Temporary lighting and seasonal lighting provided that individual lamps are less than 10 watts and 70 lumens.
 - (d) Lighting that is only used under emergency conditions.
 - (e) Low voltage landscape lighting controlled by an automatic device that is set to turn the lights off no later than 10:00 PM.
 - (f) Upcast lighting illuminating a flag of the United States, not exceeding 2,100 lumens.

ADOPTED by the Common Council of the City of Cannon Beach this 4th day of November, 2014, by the following roll call vote:

YEAS: Councilors Cadwallader, Higgins, Benefield, Vetter and Mayor Morgan
NAYS: None
EXCUSED: None



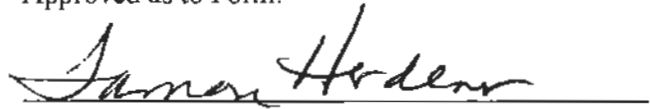
Mike Morgan, Mayor

Attest:



Jennie Messmer, Interim City Manager

Approved as to Form:



Tamara Herdener, City Attorney