

**BEFORE THE YAMHILL PLANNING COMMISSION  
Planning File DCA 24-03**

In the Matter of the	)	
	)	
Application of	)	1. Code Amendment – Exterior Lighting
	)	
City of Yamhill	)	

**ORDER OF RECOMMENDATION**

**I. NATURE OF THE APPLICATION**

This matter comes before the Yamhill Planning Commission on the application of the City of Yamhill to amend Title 10 of the Municipal Code regarding the establishment of Exterior Lighting regulations.

**II. GENERAL INFORMATION**

**A. Location**

The proposed amending language affects all nonresidential property and uses in the City.

**B. Background Information**

The City seeks to amend the Yamhill Municipal Code by establishing new regulations for exterior lighting for commercial, public, and other non-residential uses. Exhibit “A” includes the proposed language.

**III. PUBLIC HEARING**

**A. Planning Commission Action**

On August 26, 2024, the Planning Commission conducted a public hearing on the application. At the conclusion of the hearing, the Planning Commission voted to recommend City Council approval of the amendments, finding the proposal complied with all applicable decision criteria in Title 10 of the Yamhill Municipal Code.

**B. City Council Action**

The Yamhill City Council will conduct a second public hearing on the request at a date and time to be determined.

**IV. FINDINGS OF FACT-GENERAL**

The Yamhill Planning Commission, after careful consideration of the testimony and evidence in the record, adopts the following general Findings of Fact:

- A. The applicant is the City of Yamhill.
- B. The application affects all nonresidential property and uses in the City.
- C. The City seeks to amend the Yamhill Municipal Code by establishing new regulations for exterior lighting for commercial, public, and other non-residential uses. Exhibit "A" includes the specific language.
- D. The Commission recommendation shall be based on provisions in the Yamhill Development Code; Section 10.132.060 to Section 10.320.100.

#### V. APPLICATION SUMMARY

- A. During the months of April, May, and June 2024, the Planning Commission conducted work sessions addressing exterior lighting. The Commission, at the July meeting, agreed to proceed with the adoption process focusing on regulations for non-residential activities and potentially consider expanding the requirements at a future date.
- B. The regulations will create a new chapter - Chapter 10.66 Exterior Lighting Standards. Exhibit "A" includes the proposed language for the Commission's consideration. The City submitted this language to the Department of Land Conservation and Development (DLCD) for their review, and as of the date of the Commission hearing, the DLCD did not submit comments. Further, the City did not receive written comments, nor testimony at the hearing.
- C. The following briefly summarizes the material found in Exhibit "A:"
  - 1. (A) Purpose. The purpose statement is all inclusive and incorporates the concerns initially outlined by the Commission. The intent of the code is to control the obtrusive aspects of excessive and careless outdoor lighting.
  - 2. (B) Guiding Principles. This section "backs-up" the purpose statement by providing guidelines for establishing the standards in this Chapter. These are not criteria but provide a basis for why the City chooses to adopt the lighting standards.
  - 3. (C) Definitions. This is the definition section. Terms used in 10.66 will be found here and also placed in Chapter 10.08 (Definitions).
  - 4. (D) Applicability. Unless otherwise exempted, the standards in this Chapter are limited to commercial, industrial, and public uses; except for holiday

lighting, there are no restrictions for residential uses. Existing nonconforming lighting must conform to the requirements within six (6) months of the regulation's effective date.

5. (E) General Requirements. This section includes general requirements that apply to all lighting.
  - a. (1) Fully Shielded. All light fixtures shall be fully shielded, designed, and installed to prevent light trespass and glare.
  - b. (2) Maximum Brightness. This item limits the brightness for any one lamp to 1,500 lumens.
  - c. (3) Canopy and Eave Lighting. Recessed lighting is required for canopies and eaves and limited to the bottom surface of the structure.
  - d. (4) Exterior Display. The lights must be full cut-off, 20-foot maximum height and not produce glare.
  - e. (5) Parking Lot Lighting. Parking lot lighting shall be downcast, fully shielded, with strict limits on light trespass.
  - f. (6) Lighting Curfew. This section places a curfew on business lighting - when the business closes, the lights go out. An additional hour is permitted to open or close a business and regulations do not apply to 24-hour operations or provisions for security lighting.
  - g. (7) Security Lighting. Security lighting must be shielded and turned off after five minutes.
  - h. (8) Color. The Correlated Color Temperature (CCT) shall not exceed 3,000 Kelvins.
  - i. (9) Publicly Owned Lighting. Publicly owned lighting must conform to the requirements for businesses, including streetlights located in the public right-of-way.
6. (F) Signage. The illuminated surface area of an individual sign cannot exceed 50 square feet, and lighting must be downcast and fully shielded.
7. (G) Prohibitions. The regulations prohibit the use of lasers, searchlights, upward pointing lights, blinking/flashing lights, and external neon lights, including such lighting located within a building and visible from a public street. Neon lighting is limited to trim. Exemptions include lighting the U.S. flag at night and emergency situations.
8. (H) Exemptions. Existing lights are exempt but must eventually conform. This section includes provisions on string lights. Decorative lighting and lighting for special events is exempt, as are lighting the U.S. flag, athletic fields (with limits), temporary lighting (e.g., outdoor concert), and lighting needed for emergencies.
9. (I) Existing Nonconforming Lighting. Existing outdoor light fixtures are exempt but must conform to the regulations within six (6) months of the

effective date. Conformance also applies to replacement lights and the requirements a land use decision may include compliance with the regulations as a condition of approval.

10. (J) Lighting Plan Required. Finally, development, including building permits, will require a lighting plan.

D. In addition to establishing Chapter 10.66, the proposal amends Chapter 10.08 (Definitions) by incorporating the definitions in 10.66(C). Further, the amendments eliminate references to “festoon lighting” under the sign regulations.

## VI. FINDINGS

A. Section 10.132.060 notes that any amendment to the text shall be initiated by the governing body or by the Planning Commission. Consistent with this requirement, the Commission initiated the proposed text amendment with concurrence of the City Council.

B. Section 10.132.070 states the Planning Commission shall conduct a public hearing for a proposed Comprehensive Plan amendment and shall submit a recommendation to the City Council. The City Council shall then conduct a public hearing on the proposed Comprehensive Plan amendment. If the decision of the Council is contrary to the Planning Commission’s decision, the Council shall refer the proposal back to the Planning Commission for further review. The Planning Commission and Council must make written findings of its decision, and if the Council approves the amendment, such action shall be confirmed by resolution.

FINDINGS: The amendment will follow the above noted procedure. The purpose of the August 26 hearing was to review the request and for the Planning Commission to provide a recommendation to the City Council.

C. Section 10.132.080 outlines the application procedures, noting it must be filed in accordance with the provisions of Chapter 10.128 of this title.

FINDINGS: The amendment application complies with the above noted requirements.

D. Section 10.132.090 identifies the required findings (i.e., decision criteria) to support a proposed amendment. The Planning Commission and City Council shall analyze the following points and, in a written form, incorporate such findings in its decision:

1. 10.132.090(A) - That there is a public need for a Comprehensive Plan amendment.

FINDINGS: The Commission recognized the potential impact of unrestricted lighting. The Commission therefore determined that

establishing a consistent set of regulations to be beneficial to the community.

2. 10.132.090(B) - That there was an error in the original Comprehensive Plan.

FINDINGS: In this case, the Commission, through several public work sessions, identified potential impacts of unrestricted lighting due to a lack of consistent regulations.

3. 10.132.090(C) - That there is a need to change the currently adopted Comprehensive Plan.

FINDINGS: As noted, a change in the Code is necessary to address the identified need.

4. 10.132.090(D) - That there is an inadequacy of other comparatively planned and/or zoned land currently available to satisfy the public need.

FINDINGS: This subsection does not apply as the proposal does not alter existing zoning.

5. 10.132.090(E) - That the property proposed to be changed is the best property available for the Comprehensive Plan amendment.

FINDINGS: This subsection does not apply as the proposal does not alter existing zoning.

6. 10.132.090(F) - That the proposed Comprehensive Plan amendment is in conformance with all statewide goals, and any applicable street, highway, and/or utility plans for the area.

FINDINGS: The proposed exterior lighting regulations address specific design and aesthetic concerns of the City and do not conflict with the statewide land use goals. Further, the DLCD did not submit comments in opposition to the amendments.

7. 10.132.090(G) - That the proposed property is adequate in size and shape to facilitate those uses allowed in the proposed zone upon adoption of the Comprehensive Plan amendment.

FINDINGS: This subsection does not apply as the proposal addresses changes to exterior lighting regulations and does not change allowed uses within the various zones.

8. 10.132.090(H) - That the proposed property is properly related to streets

and highways to adequately serve the type of traffic that will be generated by the uses in the proposed zone upon adoption of the Comprehensive Plan amendment.

**FINDINGS:** This subsection does not apply as the proposal addresses changes to exterior lighting regulations and does not change allowed uses within the various zones and therefore associated traffic impacts. However, restricting certain types of lighting (e.g., strobe lights, glare producing lights) will have a positive impact on traffic safety.

9. 10.132.090(I) - That the proposed Comprehensive Plan amendment will have no adverse effect on abutting property or the permitted uses thereof.

**FINDINGS:** The Commission considered potential impacts of exterior lighting for commercial uses, and the proposed regulations include provisions to regulate brightness, hours of operation, and similar limitations.

- E. Section 10.132.100 notes the amendments shall be effective upon the passage of the ordinance by the City Council changing the Plan. This is a procedural matter that applies if the Council approves the changes.
- F. The City determined the establishment of a consistent set of regulations for exterior lighting to be beneficial to the community. The language sets limits as to brightness, hours of operation, and limiting impacts on adjacent property.

## VII. DECISION AND RECOMMENDATION

Based on the above findings, the Planning Commission finds the proposal complies with the applicable decision criteria and hereby recommends City Council approval of the proposed text amendments contained in Exhibit "A."

VIII. CITY COUNCIL HEARING

This Order appears as a matter of record. A separate hearing will be held before the Yamhill City Council on a date and time to be determined.

APPROVED BY A 5:0 VOTE OF THE YAMHILL PLANNING COMMISSION ON THE 26<sup>TH</sup> DAY OF AUGUST 2024.

DATED at Yamhill, Oregon, this 28th day of August 2024.

SIGNED: Ken Moore 8/28/2024  
Ken Moore, Chair Date

ATTEST: Angie Fowler 8/28/2024  
Angela Fowler, City Recorder Date

**EXHIBIT "A"**  
**Proposed Development Code Amendments**

**10.66 Exterior Lighting Standards**

- (A) Purpose. The purpose of these lighting standards are to conserve energy to the greatest extent possible; promoting traffic and pedestrian safety; minimizing glare, light trespass, obtrusive lighting, and light pollution; and preserving the dark sky of the natural nighttime environment. Further, it is the intent of this code to control the obtrusive aspects of excessive and careless outdoor lighting while preserving, protecting, and enhancing the lawful nighttime use and enjoyment of all property; to preserve the quality of life for residents; and to aid property owners and occupants in bringing nonconforming lighting into compliance with this code.
- (B) Guiding Principles. The standards in this Chapter are based on the following guiding principles and are not mandatory approval criteria:
- (1) Useful. Only use light when needed. All light should have a clear purpose, with consideration about how light will impact neighbors, wildlife, and their habitats.
  - (2) Targeted. Target light fixtures so that light falls only where required. Shielding and careful aiming of the light beam to target its direction downward should be employed to prevent spill beyond immediate lighting needs.
  - (3) Low Level. Lights should be no brighter than necessary, using the lowest light level possible. Consider reflective surfaces that will amplify light and direct light into the sky or neighboring properties.
  - (4) Controlled. Provide lighting only when needed. Controls such as timers or motion detectors should be employed to ensure that light is available when needed, dimmed when possible, and turned off when not needed.
  - (5) Color. Prefer the use of warmer color lights where possible.
- (C) Definitions.
- ANSI**. American National Standards Institute.
- Bulb. The component of the fixture that produces light.
- Canopy. A covered structure open to the elements, with at least one side open for pedestrian and/or vehicular access.
- Correlated Color Temperature (CCT)**. A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in kelvins (K).
- Dark Skies Lighting Standards**. The provisions of this Chapter 10.66.
- Downcast**. Directing the light only down toward the ground and in which the fixture shield is parallel with the level ground (see Figure 1).
- Effective Date**. Thirty (30) days from City Council adoption of the regulations.
- Fixture**. The complete lighting assembly that houses the lamp or lamps together with everything required to control and distribute the light output. The terms "fixture" and "luminaire" are interchangeable.



**Foot-candle.** A measurement of light intensity. One foot-candle has sufficient light to saturate a surface having an area of one square foot with one lumen of light.

**Fully shielded.** A light fixture that allows no direct emission of light above a horizontal plane passing through the lowest light-emitting part of the light fixture (see Figure 1).

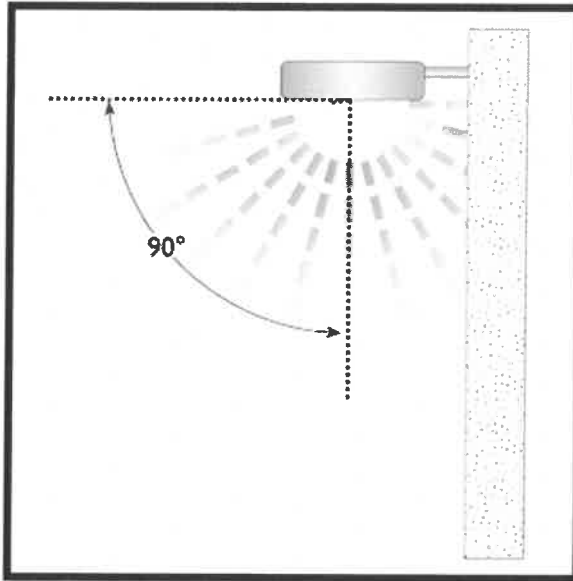


Figure 1.

**Glare.** Stray unshielded light in the field of view that is brighter than the level to which the eyes are adapted and may result in: (a) nuisance or annoyance such as light shining into a window; (b) discomfort causing squinting of the eyes; (c) disabling vision by reducing the ability of the eyes to see into shadows; and (d) reduced visual acuity.

**IES.** Illuminating Engineering Society.

**Illuminance.** Describes the amount of light falling onto or illuminating a given surface.

**Kelvin.** A measurement unit (abbreviated "K") used to describe the correlated color temperature of a light source. This specification gives a description of the "warmth" or "coolness" of a light source. typically ranges from 2,000K (warm) to 5,000K (cool).

**Lamp.** The specific component of a light fixture that emits light.

**Laser Source.** Any lamp that employs light amplification by stimulating emission of radiation to produce highly monochromatic and coherent light.

**Light Trespass.** A condition in which light emitted directly by a light fixture shine beyond the property lines of the property containing the fixture. This means that a person standing on any other property sees the light-emitting source directly. Light trespass does not include indirect reflection or scattering of light from mounting hardware or any other surfaces.

**Light Fixture.** A device that includes the lamp, the ballast or driver, internal wiring, reflectors, lens, and any additional components required to deliver light. It does not include the pole or other mounting surface.

**Low Lumen.** Describes a light fixture whose total light output does not exceed 300

lumens.

**Lumen:** The International System of Units (SI) measure of luminous flux equal to the amount of light emitted per second into a unit solid angle of one steradian from a uniform source of one candela. the international unit of measurement is used to quantify the amount of light produced by a lamp or emitted from a fixture. For the purposes of this code, measurements in lumens shall refer to "initial lamp lumens" as rated by the manufacturer when the lamp is new, as listed on the packaging.

**Luminance:** The amount of light that passes through, emitted, or reflected from a particular area, and that falls within a given solid angle.

**Motion Sensor.** A device that detects physical movement within the sensor's local environment, activates a light, and uses a timer to turn off the light.

**Net acre.** The portion of any property that is developed, consisting of structures and/or hardscape. The net acreage of a property is the gross acreage of that parcel less any acres that are considered undeveloped.

**Outdoor Lighting.** Temporary or permanent lighting equipment installed outside the building envelope, whether attached to poles, building structures, the earth, or any other location. For this Chapter, indoor fixtures that are intended to light something outdoors are considered outdoor lighting.

**Replacement.** The installation of a new lighting fixture or luminaire in place of a pre-existing fixture. Replacement does not mean the changing of light bulbs or lamps with same or lower output. All replacements must comply or continue to comply with this chapter.

Seasonal Lighting. means temporary lighting installed and operated in connection with holidays, traditions, or local festivals.

**Searchlight.** An apparatus that combines an extremely bright source with a mirrored parabolic reflector to project a powerful beam of light of approximately parallel rays in a particular direction, constructed so that it can be swiveled, and often used to draw the attention of the public to a place or event.

**String Lights.** Electric lights on a wire, string, or cable and used as decoration or for outdoor lighting.

**Street Lighting.** Permanent outdoor lighting owned and maintained by a municipality or other public agency or private enterprise and specifically intended to illuminate streets and highways for automotive vehicles and may also incidentally light sidewalks and adjacent private property.

**Temporary Lighting.** Lighting intended for uses which by their nature are of limited duration, such as civic events or construction projects.

**Uplighting.** Any lighting directed in such a manner as to shine light above the horizontal plane.

- (D) Applicability. The lighting standards in this Chapter are applicable to lighting for commercial and industrial uses, and publicly owned and operated uses. Existing nonconforming lighting must conform to the requirements in subsection (I). These standards are in addition to applicable provisions of the Building Code and Electrical Code, and other provisions of Title 10 including Chapter 10.64 (Signs).

- (E) General Requirements. All non-exempt outdoor lighting fixtures shall meet the following requirements:
- (1) Fully Shielded. Unless subject to an exception, all light fixtures shall be fully shielded and otherwise designed and installed to prevent light trespass and glare. Uplighting is prohibited.
  - (2) Maximum Brightness. The maximum lumens of any lamp shall not exceed 1,500 lumens.
  - (3) Canopy and Eave Lighting. Lighting levels under eaves and canopies shall be adequate to facilitate the activities taking place in such locations.
    - (a) Lighting fixtures mounted on canopies and/or eaves shall be designed, constructed, or installed so the lens cover is recessed from the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy/eave.
    - (b) Lights shall not be mounted on the top or sides (facias) of the canopy/eave and the sides (facias) of the canopy/eave shall not be illuminated.
  - (4) Exterior Display and Sales Areas. Lighting levels on areas used for exterior display and/or sales areas shall be subject to the following:
    - (a) Lighting fixtures shall be full cut-off fixtures.
    - (b) Fixtures shall be mounted no more than 20 feet above grade.
    - (c) Fixtures shall not create glare on adjacent streets, highways, or properties, and shall not create light trespass on nearby and abutting properties.
    - (d) Exterior display/sales areas shall be illuminated only when the establishment is open for business unless motion sensing devices are installed.
  - (5) Parking Lot Lighting. Parking lot lighting shall be downcast, fully shielded and shall not exceed a threshold of allowable light trespass of 0.1 foot-candle at the property line.
  - (6) Lighting Curfew. In all non-residential zones all exterior lighting, including signs, shall be extinguished either by 10 P.M.; or within one (1) hour of the close of normal business hours; or at the conclusion of usual operations, whichever occurs later. The use of such lighting may resume one (1) hour before sunrise (or opening of business for the property, whichever is earlier) of the following day. Businesses whose normal operating hours are twenty-four (24) hours per day are exempt from this provision.
  - (7) Security Lighting
    - (a) All security lighting fixtures shall be fully shielded, comply with lighting standards, and be directed only onto the designated area, and not illuminate other areas.
    - (b) Sensor activated security lights shall automatically turn off within five minutes after being activated if no additional motion, light, or infrared radiation is detected.
    - (c) Security lights shall not be installed or attached to public utility or streetlight poles.

- (8) Color. The Correlated Color Temperature (CCT) shall not exceed 3,000 Kelvins.
  - (9) Publicly Owned Lighting. Publicly owned lighting (including streetlights located in the public right-of-way) shall be fully shielded, complying with the color limits in subsection (E)(8) of this section. All outdoor light fixtures on property or buildings owned and operated by public agencies shall be fully shielded, unless exempt under subsection (H) of this section, and adaptive controls and curfews must be employed.
- (F) Signage. Unless otherwise permitted in Chapter 10.64 (Signs), all lighting must be downcast and fully shielded. The external illuminated surface area of any one sign shall not exceed 50 square feet.
- (G) Prohibitions.
- (1) Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment.
  - (2) Searchlights and Strobe Lights. The use of searchlights or strobe lights for purposes other than public safety or emergencies.
  - (3) Upward-pointing light fixtures. All light fixtures must be downcast including illumination of signs, landscaping, flags (except the U.S. and state flags, if flown on the same flagpole), and other items.
  - (4) Blinking and Flashing Lights. Any lighting that is flashing, blinking, rotating, chasing, or rapidly changing in color or intensity, except for traffic control fixtures, those used for public safety or emergencies, and seasonal holiday lights. This prohibition applies to lights located within a building and visible from an adjacent public street.
  - (5) Externally Affixed Neon Lighting. Externally affixed neon lighting, except as a trim element that surrounds windows, doors, or building edges when located on building façades that face street frontages. Such lighting must not include flashing, intermittent or rotating lights.
- (H) Exemptions. Notwithstanding anything herein to the contrary, the following forms of lighting are exempt from the standards in this Chapter.
- (1) Existing Nonconforming. Nonconforming lighting, subject to subsection (I) of this section.
  - (2) String Lights. These lights are subject to the following standards:
    - (a) All installations of string lighting shall employ lamps that do not flash or flicker and whose individual output does not exceed 100 lumens.
    - (b) String lights shall consist only of white light sources with a CCT not to exceed three thousand (3,000) Kelvin.
    - (c) String lights are exempt from the downcast and full shielding requirements of subsection (E) of this section.
    - (d) The above limitations do not apply to holiday lighting.
  - (3) Holiday Lighting. Holiday lighting shall only be allowed between October 15 and January 15, provided such lighting does not create glare on adjacent streets or adjacent or nearby properties.

- (4) Special Events. Events that require the use of temporary outdoor light fixtures are exempt if the exemption does not exceed five (5) days for a particular property in any calendar year; however, permanent installations special event venues must conform to these standards.
  - (5) Flags. Lighting for U.S. flags properly displayed (consistent with the U.S. Flag Code).
  - (6) Government Authority. Lighting under the authority of the Oregon Department of Transportation or required by Federal or State laws or regulations.
  - (7) Athletic Fields. Athletic field lighting meeting the following conditions:
    - (a) Field lighting is provided exclusively for illumination of the surface of play and viewing stands and not for any other applications.
    - (b) Illuminance levels must be adjustable based on the task (e.g., active play vs. field maintenance).
    - (c) Lights must be extinguished by 10:00 pm local time or one hour after the end of play, whichever is later.
    - (d) Timers must be installed to prevent lights being left on accidentally overnight.
  - (8) Temporary Lighting. Except for permitted security lighting, lighting for theatrical, television, performance areas, and construction sites shall be turned-off within one hour after the end of operations.
  - (9) Emergencies. Lighting only used under emergency conditions.
  - (10) Landscaping. Low voltage landscape lighting not exceeding 200 lumens per fixture and aimed so that glare is not visible from adjacent properties.
- (I) Existing Nonconforming Lighting. Outdoor light fixtures lawfully installed and operable prior to the Effective Date are exempt from all such requirements, except as follows:
- (1) Compliance. All lighting must conform to the requirements of this Chapter within six (6) months after the Effective Date.
  - (2) Replacement. Any replacement or modification to nonconforming outdoor lighting must comply with these standards.
  - (3) Condition of Approval. All nonconforming outdoor lighting must comply with the requirements in this Chapter as a condition of land use approval involving a Conditional Use or Development Review.
- (J) Lighting Plan Required. All applications involving the construction of new buildings, expansion of existing structures, or building permits must include lighting plans showing location, type, height, color temperature, lumen output and amount of all proposed and existing light fixtures, along with light fixture cut sheets from the manufacturer. The applicant must provide enough information to demonstrate compliance with these standards. The City may request any additional information necessary or appropriate to evaluate compliance with these standards.

**10.08. Definitions**

All definitions contained in proposed Section 10.66(C) shall be included in Section 10.08.010 – Definitions.

**10.64 Signs**

Amend Section 10.64.110(C) by eliminating reference to “festoon lighting:”

(C) Pennants, streamers, ~~festoon lighting~~, banners, inflatable signs including blimps and/or hot or cold air balloons except as provided by this chapter. Nothing contained in this section shall be construed to prohibit the display of the flag of the United States, the State of Oregon or other political subdivision;