

1. 9:30 A.M. Agenda

Documents:

[2021-04-01 Council Agenda.pdf](#)

2. Meeting Materials

Documents:

[\(1\) Combined Goals Worksession Discussion Document.pdf](#)
[2021-168 RES Library Expansion.pdf](#)
[2021-171 RES Outdoor Seating Expansion Extension.pdf](#)
[2021-172 RES Develop Conceptual Library Plans.pdf](#)
[\(4\) Memo On Items In New Business.pdf](#)
[\(5\) 2020-03-17 Library Memo To Council.pdf](#)
[\(6\) Email Chain David Rivinus_Loren Dickinson.pdf](#)
[\(7\) Letter-To-CC-Library Access--03-2021.Pdf](#)
[\(9\) 2021 MPM RESUME.pdf](#)
[\(10\) Lighting Ordinance April 1, 2021 Packet.pdf](#)



**CITY OF YACHATS
CITY COUNCIL WORK SESSION & COUNCIL MEETING**

**Yachats OR
Thursday, April 1, 2021 at 9:30 am
To Be Held Via Zoom**

AGENDA

Join Zoom Meeting

<https://us02web.zoom.us/j/83310136094?pwd=Y0V3N0EvckkBZ0UreG5KeituZVRxUT09>

Meeting ID: 833 1013 6094

Passcode: 461144

One tap mobile

+13462487799,,83310136094#,,,,*461144# US (Houston)

+16699006833,,83310136094#,,,,*461144# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

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+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC) Meeting ID: 833 1013 6094

Passcode: 461144

Find your local number: <https://us02web.zoom.us/j/83310136094?pwd=Y0V3N0EvckkBZ0UreG5KeituZVRxUT09>

Work Session

I. Introduction to new City Manager Lee Elliott

II. Completing discussion of Council's 2021 Goals

The Yachats City Council meetings are open to the public and interested citizens are invited to attend. These are open meetings under Oregon law, but a work session is not a community forum; audience participation is at the discretion of the Council. Meetings are audio-recorded. Public meeting minutes are available for review at City Hall. The meeting place is accessible to persons with disabilities. For accommodations, please call (541) 547-3565, or Oregon Relay 1-800-735-2900 TDD) two days in advance. City of Yachats does not discriminate on the basis of race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status.

In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time. The meeting room is physically accessible to persons with mobility devices; a sign language or foreign language interpreter may be available, with advance notice.

Call City Hall at 541-547-3565 or Oregon Relay 1-800-735-2900 (TDD) two days in advance.

Posted 03/26/2021 Revised

Regular Council Meeting

- I. Announcements, Correspondence, Proclamation
- II. Public Comment: **Topics not listed on the agenda**
5-minute limitation per person
- III. Consent Agenda
 - a. RES 2021-171
 - b. RES 2021-172
- IV. New Business
 - a. Library Request regarding architect (David Rivinus)
 - b. Water Master Plan (Linn West, Rick McClung)
 - c. Municipal Judge Interview with Matthew P. Muenchrath **(11 AM)**
 - d. IGA and Rural Fire District concerning conexas **(11:20 AM)** (Frankie Petrick, Shelby Knife, Bob Bennett)
- V. Old Business
 - a. Hearing on Light Ordinance
 - b. Consideration of reopening city facilities
 - c. Accounting Specialist Position
- VI. Other Business
 - a. From Mayor
 - b. From Council
 - c. From Staff

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In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time. The meeting room is physically accessible to persons with mobility devices; a sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541-547-3565 or Oregon Relay 1-800-735-2900 (TDD) two days in advance.

1) Improve timeliness, relevance, quality, and effectiveness of city service delivery

- A. Foster an environment of city government that runs efficiently and is responsible to our citizens (Anthony)
- B. Consider the role of the city administrator as well as those of other personnel positions, making sure that they match Yachats' needs. Address with suitable actions. (Ann & Leslie)
- C. Bring accounting in-house (Greg & Mary Ellen under goal (5), along with add a finance officer to staff)
- D. Identify areas that we can improve if any within city departments. (Anthony)
- E. Match code enforcement delivery, written code, and citizen's needs. (Ann & Leslie)
- F. Monitor vacation rental license enforcement and tax collection. (Ann & Leslie)
- G. Survey the community about perceptions & experiences with city services for the next two years. Develop standards for service & methods to assess their effectiveness (Greg & Mary Ellen)
- H. Develop tools to assist providing services and measuring results & effectiveness (Greg & Mary Ellen)

2) Prioritize and demonstrate environmental responsibility in all actions and decisions.

The city will make all decisions with guidance of preserving and protecting the area's natural resources. (Anthony)

- A. Prioritize water sustainability: plan for water storage and protection of watershed (Ann & Leslie)
- B. Protect trees and forested areas with an eye to terrain stability, views, air quality, and more. (Ann & Leslie)
- C. Protect bluff along Ocean View Drive. (Ann & Leslie)
- D. Identify potential environmental issues that may impact our community (Greg & Mary Ellen)
- E. Review city plans for potential environmental issues (Greg and Mary Ellen)
- F. Encourage staff and commissions to act on opportunities that positively impact our planet (Greg & Mary Ellen)
- G. Seek an open forum with Cape Perpetua and the Marine Reserve to identify any issues that may need addressed. (Anthony)

3) Strengthen relationships with community.

COMMUNICATION WITH CITIZENS

- A. Improve citizen communications and involvement. (Greg & Mary Ellen)
- B. Provide opportunities to listen to citizens; host community open forums to seek input and guidance from the community. (Ann & Leslie)
- C. Seek better ways to improve transparency between the city and our citizens (Anthony)
- D. Seek public comment before projects are initiated. (Greg & Mary Ellen)
- E. Use Yachats Property Inventory for targeted e-mail to streets, neighborhoods, subdivisions, etc. (Greg & Mary Ellen)
- F. Make the yearly capital project list more visible. (Greg & Mary Ellen)
- G. Seek to modernize our robust efforts to seek public input (Anthony)
- H. Develop methods to reach a greater percentage of our community. (Greg & Mary Ellen)

HOUSING

- A. Develop a task force to seek and identify housing solutions in the city of Yachats. What role can the city play to encourage housing development and long term rental availability? What is the State doing?, What are the County Commissioners doing? What is the City of Waldport doing? How can we help support those efforts? (Anthony)

FUN

- A. Advertise and sponsor modest cost events/activities that brighten the lives of citizens. (Ann & Leslie)

COMMUNICATION WITH OUR BUSINESSES

Develop good communication with businesses and Chamber. (Ann & Leslie)

PLANS

- A. Develop a 2035 vision plan. (Ann & Leslie)
- B. Update Comprehensive Plan survey questions. (Greg & Mary Ellen)
- C. Demonstrate commitment to community input by using Comp Plan survey to guide decisions.(Greg & M.E.)

MEMORY

- A. Improve institutional memory to ensure consistency in decision making. (Greg & Mary Ellen)
- B. Take steps to preserve the character of our community. (Ann & Leslie)

4) Provide a safe environment.

- A. Prioritize water sustainability: plan for water storage and protection of watershed (Ann & Leslie) ; Implement improvements in water supply and retention (Greg & Mary Ellen)
- B. Identify improvements to manage storm water flow (Greg & Mary Ellen)
- C. Adopt and enforce appropriate pandemic measures to protect our citizens (Ann & Leslie)
- D. Make the 804 South trail safe for pedestrians (with enhancements that encourage walking) (Ann & Leslie)
- E. Make intersections safer by signage, cones, or other modifications (Ann & Leslie); Add appropriate street signage where needed; Consider traffic calming improvements in residential neighborhoods (Greg & Mary Ellen)
- F. Determine alternate egress routes and educate citizens about them (Ann & Leslie)
- G. Ensure parks are safe for users of all ages (Ann & Leslie) ; Improve skatepark ramp safety (Greg & Mary Ellen)
- H. Monitoring and Completion of Oceanview Drive (Greg & Mary Ellen)

5) Demonstrate Financial Responsibility.

- A. Practice long-term planning, making choices that allow city to build up reserves (Ann & Leslie)
- B. Rethink the finance committee to provide superb CIP guidance. (Ann & Leslie);
Add financial expertise to Finance Committee; Clarify the role of the Finance Committee; Tap volunteer financial strength in the community (Greg & Mary Ellen)
- C. Seek a plan to address and prioritize city projects. (Anthony with a little editing by Leslie);
The plan would note projects with greatest need and consider whether they can be met in a timely manner, note projects that can be addressed with currently available funds while still looking for grant help, and note what projects will require grants or dedicated savings.
- D. Improve financial reporting, striving for monthly reports that are easy to understand. (Greg & Mary Ellen)
- E. Improve community access to financial data (Greg & Mary Ellen)



CITY OF YACHATS RESOLUTION 2021-168
A RESOLUTION APPROVING THE YACHATS LIBRARY COMMISSION
REQUEST TO HIRE AN ARCHITECT(S)

WHEREAS, the Yachats Library Commission discussed the Library expansion at the February 12, 2021 meeting; and

WHEREAS, a Motion was brought forth to ask the Yachats City Council for approval to hire an architect(s) to produce expansion drawing(s) for option #4 for the Library expansion, to include the approximately 1,400 sq ft, moving eastward toward the fence and slightly to the south.

NOW THEREFORE, the City of Yachats resolves to allow the Library Commission to move forward hiring an Architect(s) to produce expansion drawings for Option #4 and authorizes it to spend up to \$14,000 of the Library's Hall bequest to contract with architects in three areas: structural, engineering, and interior design.

EFFECTIVE DATE: This Resolution shall take effect immediately upon its adoption.

Passed and adopted by the Yachats City Council this 1st day of April 2021.

ATTEST:

Leslie Vaaler, Mayor

Shannon Beaucaire, City Manager



**CITY OF YACHATS RESOLUTION NO. 2021-171
A RESOLUTION OF THE CITY OF YACHATS, OREGON REGARDING
OUTDOOR SEATING EXPANSION**

WHEREAS, the program has been established in response to the COVID-19 crisis. The program provides opportunity for restaurants and retail businesses to use private parking spaces in proximity to structures which they are located for the purpose of providing outdoor seating, queuing or shopping areas.

WHEREAS, the program allows for a temporary exemption from the parking minimums listed in Yachats Municipal Code (YMC) 9.48,

WHEREAS, a business may use private parking spaces in front of an adjacent business with consent from the neighboring business owner,

WHEREAS, restaurants and retail businesses may use parking spaces along the frontage of their existing business location on private property; not including ADA spaces,

WHEREAS, a maximum of four (4) parking spaces may be used under this program,

WHEREAS, if serving alcohol business owners must hold a valid liquor license and shall provide the City a signed copy of the license issued to them by the Oregon Liquor Control Commission (OLCC) if requested,

WHEREAS, the outdoor area and all things placed thereon shall at all times be maintained in a clean, safe, and orderly condition. Table umbrellas may be used and shall be placed and adequately weighted to ensure that they remain safely in place,

WHEREAS, the business owner shall delineate the perimeter of outdoor area. The barricade may be made of wood, metal, planter pots, rope or other similar materials. The outdoor area shall meet ADA passage standards,

WHEREAS, this program will continue while the city is under a state of emergency due to the Covid-19 pandemic.

NOW THEREFORE, the City Council of the City of Yachats, Oregon, resolves to:

- Allow private parking spaces in proximity to structures for the purpose of providing outdoor seating, queuing or shopping areas.

This Resolution memorializes action taken by the Council on March 17, 2021 and is effective as of that date.

Leslie Vaaler, Mayor

Shannon Beaucaire, City Manager



CITY OF YACHATS RESOLUTION 2021-172
A RESOLUTION APPROVING THE PARKS & COMMONS COMMISSION
REQUEST TO MOVE FORWARD TO RECEIVE CONCEPTUAL PLANS FOR OCEAN
VIEW PROJECT

WHEREAS, the Parks & Commons Commission discussed moving forward with using Kevin Shanley to develop conceptual plans for the Ocean View Project at their February 18, 2021 meeting; and

WHEREAS, on March 17, 2021, Council passed a motion to accept Kevin Shanley's offer to develop conceptual plans for the Ocean View Project and to authorize paying his mileage costs when he makes associated site visits; and

NOW THEREFORE, the City of Yachats resolves to have the City accept with appreciation Mr. Shanley's generous offer to design services and to authorize covering his site-visit mileage costs.

EFFECTIVE DATE: This Resolution shall take effect immediately upon its adoption.

This resolution memorializes the action of the City Council on March 17, 2021.

Dated: April 1, 2021

Leslie Vaaler, Mayor

Shannon Beaucaire, City Manager

Memo on items in “New Business”

We have four items listed under new business, an interview with Municipal Judge candidate Matthew P. Muenchrath, a discussion with emergency preparedness representatives and fire district representatives about a possible IGA , a Library Commission request for approval to hire an architect, and a Public Works report on review of the Water Master Plan. The order of these agenda items will be permuted as needed to be as respectful as possible of our visitors' time.

The interview with Matthew P. Muenchrath is set to begin at 11 AM.

The fire district representatives have been asked to be present at 11:20 AM.



DATE: March 8, 2021

TO: Yachats City Council

FROM: David Rivinus—Library Commission Chair

SUBJECT: Request authorization and funds to contract with an architect

Following a special meeting of the Yachats Library Commission, the Commission is ready to move forward to the next step in the library expansion project. The Commission is asking the Yachats City Council for authorization to spend up to \$14,000 of the Library's Hall bequest to contract with architects in three areas: structural, engineering and interior design. The services of these designers would be sought through public solicitations.

On February 12th of this year, the Library Commission met along with Heather Hoen in a special meeting to review 10 separate expansion ideas. Some of these ideas were suggested several years ago; others are relatively new. (Descriptions of the ten plans are attached in an addendum to this memo.)

All ten plans were examined and judged against five criteria as follows:

- 1) To come as close as possible to expanding 1,380 sq. ft. as recommended in Penny Hummel's Library Assessment Report.
- 2) To find a design that is as cost effective as possible.
- 3) To choose a plan that does not disturb the protected wetlands that abut the library to the south of the building.
- 4) To preserve the trail that currently goes from 7th Street, south, past the east side of the library building and into the wetlands.
- 5) To honor the sentiment repeatedly expressed by Yachatians in the Library Assessment Survey, namely, that the charming and rustic nature of the library building be preserved as much as possible.

The plan that was unanimously chosen by the Commission would expand the building in one story eastward toward the fence that separates the library from the waste treatment plant, and also a few

feet to the south (Plan #4—see below). The existing trail would be rerouted to the west side of the library building where there is plenty of room for it.

The Commission is confident that this plan would meet the five criteria stated above and would serve the Yachats community's library needs for many years to come. With Council's authorization, we believe we are ready to proceed to the next step of contracting with architects.

Respectfully submitted,

David Rivinus—Commission Chair

Addendum to the above Memo

Ten Library Expansion Plans Considered by the Library Commission on February 12, 2021

- 1) Expand the library building to the east, adding 400 sq. ft.
- 2) Expand the library building to the east, adding 800 sq. ft.
- 3) Move the entire east wall of the library eastward all the way to the fence. This would add slightly more than 1,200 sq. ft.
- 4) A plan similar to plan #3 above, that would also expand the library southward to add the additional 200 sq. ft. recommended by Penny Hummel.
- 5) Demolish the existing building and rebuild a two-story library structure in its place.
- 6) Leave the current building but expand eastward with a two-story addition.
- 7) Move the library to the "501 Building."
- 8) Move the library to the Commons.
- 9) Move the library to the abandoned fire station on 2nd Street.
- 10) Find another building in town that would better suit our needs.

RE: Fw: Library Expansion

david@teacherofdreams.com <david@teacherofdreams.com>

Fri 3/26/2021 9:37 AM

To: 'Loren Dickinson' <lorendickinson@gmail.com>

Cc: Leslie Vaaler <Leslie@YachatsMail.org>; Heather Hoen <CommunityServices@yachatsmail.org>; 'lee elliott' <leeelliott0919@yahoo.com>; 'Joanne Kittel' <jnkittel@peak.org>; 'Wally Orchard' <wallyorchard@outlook.com>; 'Bob Langley' <boblangley@lindabob.com>

Thanks for the heads-up, Loren!

We'll continue to look into this, cautiously, and will keep you informed.

David

David Rivinus

Yachats, Oregon

From: Loren Dickinson <lorendickinson@gmail.com>

Sent: Thursday, March 25, 2021 4:02 PM

To: david@teacherofdreams.com

Cc: Leslie Vaaler <Leslie@yachatsmail.org>; Heather Hoen <CommunityServices@yachatsmail.org>; lee elliott <leeelliott0919@yahoo.com>; Joanne Kittel <jnkittel@peak.org>; Wally Orchard <wallyorchard@outlook.com>; Bob Langley <boblangley@lindabob.com>

Subject: Re: Fw: Library Expansion

David,

Thanks for getting back to Yachats Trails. It is good to hear that the Library Commission has already addressed the trail connectivity issue. If Trails can be of help to the Commission in any way, please don't hesitate to ask. You can contact me if needed.

We had heard that the Commission was considering relocating the pathway connection along the west and south sides of the existing building, and that a building addition to the south was being considered. During my research, I discovered that a 10 ft. setback from the property line is required along the south side of the building, as prescribed in YMC 9.40.030.B. (copy attached). We were not certain what the existing building setback from the south property line is, but in the County GIS maps it appeared to be about 10 ft., which would have eliminated the possibility of expanding the building in that direction. We felt that bringing that to the Commission's attention might be proper in case the decision is made to redirect the pathway to the west and south..

Again, thank you for your response. We are looking forward to the Library's expansion.

LOREN DICKINSON

Yachats Trails Leader

On Tue, Mar 23, 2021 at 9:37 AM <david@teacherofdreams.com> wrote:

Hello, Loren,

I am writing to you as the Chair of the Library Commission. Mayor Vaaler was kind enough to forward your email exchange to me, and I have read it with interest.

Maintaining the trail that runs from 7th Street, south, past the library and into the wetlands is a high priority for us. In fact, some of us who live nearby use that trail quite a bit! So you can rest assured that we will take that into serious consideration.

While you are correct that we are only in the early talking stages of the library expansion, one idea that has been suggested is as follows:

The Library Assessment Report recommends an expansion of approximately 1,400 sq. ft. (1,380 to be precise). The distance from the library's east wall to the fence is 30 ft. The length of the library's east wall is 40 ft. So building an addition into that space would give the library 1,200 additional sq. ft. To add the final 200 sq. ft., one idea would be to then expand the addition 7 ft. further south. I am no expert in the field of wetland protection, but I did walk the property, and it seemed, at first glance, that there was room to do that. The existing path would then be rerouted to the west side of the building, and again, it seemed that there would be room for it on the south side of the library as well, even with the addition.

Again, we're just pondering at this point, and your input is most welcome.

All the best,

David

David Rivinus
Yachats, Oregon

From: Loren Dickinson <lorendickinson@gmail.com>

Sent: Tuesday, March 23, 2021 7:03 AM

To: Leslie Vaaler <Leslie@yachatsmail.org>

Cc: David Rivinus <david@teacherofdreams.com>; Heather Hoen <CommunityServices@yachatsmail.org>; lee elliott <leeelliott0919@yahoo.com>; Joanne Kittel <jnkittel@peak.org>; Wally Orchard <wallyorchard@outlook.com>; Bob Langley <boblangley@lindabob.com>

Subject: Re: Fw: Library Expansion

Good morning madam Mayor. At this point since the architect has not been hired yet nor the design started, no need to put the letter in the CC packet. Trails just wants the City to consider the stated criteria when design is undertaken, as it affects the pathway system in and around the Commons.

Thank you.

LOREN DICKINSON
Yachats Trails Leader

On Mon, Mar 22, 2021, 5:49 PM Leslie Vaaler <Leslie@yachatsmail.org> wrote:

Dear Loren,

Thank you for the Trails Committee letter concerning the library expansion. I am

forwarding it to Library Commission chair David Rivinus, Heather Hoen, and our new interim city manager Lee Elliott.

The Library Commission request to hire an architect is on the April 1 agenda. Let me know if you feel your letter should be added to the Council packet for that meeting.

Best regards,
Leslie

From: Loren Dickinson <lorendickinson@gmail.com>

Sent: Monday, March 22, 2021 9:59 AM

To: Leslie Vaaler <Leslie@YachatsMail.org>; dawnkeller@gmail.com <dawnkeller@gmail.com>

Cc: Bob Langley <boblangley@lindabob.com>; Jan Brown <espressobrown@gmail.com>; Joanne Kittel <jnkittel@peak.org>; Wally Orchard <wallyorchard@outlook.com>

Subject: Library Expansion

Mayor, City Council and Parks & Commons Commission,

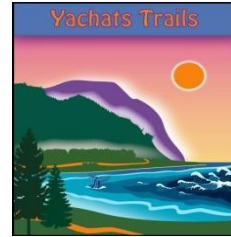
Yachats Trails has examined conditions and determinants related to access in and around the Commons area with respect to the proposed expansion of the Yachats Library. The City may have already examined these issues, but the Yachats Trails Committee supports criteria as outlined in the attached letter.

Thank you for your consideration.

YACHATS TRAILS COMMITTEE

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LOREN DICKINSON



March 22, 2021

To: Yachats City Council
Yachats Parks & Commons Commission

Re: Yachats Library Expansion

The City may have already addressed this issue, but in reviewing public access related to the proposed Yachats Public Library expansion, Yachats Trails recommends that during the design of the expansion the City consider the following:

Currently, there is considerable public foot traffic **through** the Library property that allows the public to access the Commons wetlands area boardwalk from 7th Street, and vice-versa. This "through" pathway is important for access to the Library itself and for the entire area. The entrance to the Library should be easily accessed from both directions without undue detour using 7th Street, Ocean View Drive and 6th Street. The expanded Library should not block this connectivity.

There appears to be sufficient width between the Library existing west wall and the west property line for the access pathway to be relocated there. That, however, necessitates that passage be maintained between the existing south wall of the Library and the property's south boundary line, which abuts a residential district and a private residence. Any Library expansion occupying this south yard setback would effectively block access.

The Library property is zoned P-F Public Facilities Zone. Attached are Standards pertaining to that zone (YMC 9.40.030). Paragraph B of that ordinance requires a ten (10) foot setback between the Library building and its south property line. In order for the aforementioned "through" access to be maintained, that required setback must be observed, allowing the pathway to occupy the south and west yards of the Library, connecting to 7th Street and to the Commons wetland area.

The other option would be to maintain the "through" access to the east of the Library expansion, between the building and the existing Physical Plant fence.

Paragraph E of that ordinance essentially requires that pedestrian access to the site, and by inference "through" the site, be maintained.

We and Yachats' citizens appreciate your attention to this important issue.

Respectfully,

Yachats Trails Committee: Loren Dickinson, Joanne Kittel, Bob Langley,
Wally Orchard, and Jan Brown.

Section 9.40.030 Standards.

Except as provided in Chapters [9.44](#), [9.48](#), [9.52](#) and [9.72](#), in any P-F zone the following standards shall apply:

- A. No building in a P-F zone shall exceed thirty (30) feet in height.
- B. Lot coverage may be one hundred (100) percent, except where a P-F zone abuts a residential zone no structure shall be within a minimum of ten (10) feet from the abutment.
- C. Where a P-F use abuts a residential zone a fence, evergreen hedge, wall or landscaping shall be constructed and maintained immediately adjacent to the abutting property line, such a buffer shall screen at least seventy (70) percent of the view between the zones. The buffer shall not be less than five (5) nor more than eight feet in height, except where vision clearance would be interrupted. Exceptions shall be subject to approval by the Planning Commission through a public hearing in accordance with Chapter [9.80](#) Variances.
- D. No structure shall be located closer than sixty (60) feet from the center line of any state highway, nor thirty (30) feet from the center line of any collector or arterial street.
- E. General Criteria. Vehicle and pedestrian access to the site can be safely and efficiently provided and maintained. The necessary utility systems and public facilities are available with sufficient capacity. (Ord. 304, Amended, 9/8/2011; Ord. 73E § 2.080(2), 1992)

MATTHEW P. MUENCHRATH
280 N. Collier Street, Coquille, Oregon 97423
(541) 396-4529/(541) 297-4196

OBJECTIVE: To provide municipal judge services to the City of Yachats.

EDUCATION: Creighton University, B.S. (1992); Willamette University College of Law, J.D. (1997).
Navy Judge Advocate General School Graduate (1997)
Naval Post-Graduate School Strategic Communication Course (2010)

PRESENT POSITIONS:

Attorney: Manager, Muenchrathlaw, LLC. Private Practice of 4 attorneys in Coos County, OR.

Judge: Municipal Judge for Cities of Reedsport, Oregon and Myrtle Point, Oregon

Naval Reserve: Commanding Officer of PACFLT Legal Reserve Unit consisting of 12-14 Navy Judge Advocate Officers covering all manner of Naval Operational, International and Operational Law matters throughout the Indian and Pacific Ocean areas of operations.

RELEVANT EXPERIENCE:

Attorney/Judge: The last 21 years my civilian law practice regularly involves civil and criminal law matters both in and out of court. I have tried many trials and hearings before judges and juries. I understand court processes and procedure. I have been a municipal judge for at least one city for over 10 years. As municipal judge, I handle cases ranging from municipal code violations, traffic violations and criminal matters (jury and judge trials).

Government Service. I served one term as a city councilor in the City of Coquille prior to serving a single term as the Mayor. As former Mayor and City Councilor of Coquille, I gained a valuable appreciation for city codes, their use and enforcement. This is very helpful in my present municipal judge positions.

Navy Reserve: I have served as part of the Judge Advocate General's Corps (JAG) in the Navy/Naval Reserve for over 23 years. I have been fortunate to have a wide variety of duty including advising Navy commands on legal issues in Korea, Japan, Italy, Australia, Poland, the Seychelles, Guam, Qatar, and various locations in the U.S.

Coos Bay has been my hometown since 1971. I am married with three children. I enjoy the Oregon coast and enjoy many activities/hobbies. I serve and have served on various community service boards while a resident of Coos County.

References and additional information are available upon request.

March 4, 2021

To: Shannon Beaucaire, City Manager
From: Justin Peterson, Contract City Planner
Re: Draft Amendments Lighting

The Planning Commission made the recommended City Attorney text edits which were presented at the January 20, 2021 City Council meeting. In addition, the Planning Commission made edits to address some of the City Attorney comments. The February 2, 2021 memo which is attached describes the attorney comments in detail. The edits are highlighted in Attachment 2. The edits included clarifying the marine lighting curfew depending on the time of year and recommending a compliance period of 1 year for marine lighting.

The Planning Commission requested that if the Ordinance is remanded back that the City Council provide clear direction.

Public Hearing History: At the October 20, 2020 Planning Commission meeting the decision was made to continue the hearing to October 28, 2020. At the October 28, 2020 continued Planning Commission meeting, the Commission passed a motion to forward the attached recommended amendment to Yachats Municipal Code to City Council. The Planning Commission identified several changes that are noted in the memo dated November 10, 2020 to the lighting ordinance. The City Council remanded the draft Ordinance back to the Planning Commission at the November 18, 2020 meeting. Planning Commission discussed the Ordinance at the December 1, 2020 Planning Commission meeting. Planning Commission voted to recommend approval and forward the Ordinance to City Council at the December 21, 2020 meeting. City Council remanded the Ordinance back to Planning Commission at the January 20, 2021 meeting. . Planning Commission voted to recommend approval and forward the Ordinance to City Council at the February 11, 2021 meeting.

Council Action:

1. The City Council may approve,
2. Approve with modifications,
3. Deny or
4. Remand back to the Planning Commission for reconsideration the proposed amendment

Example Motion:

To approve the proposed amendment to the Yachats Municipal Code based on the testimony received, the findings within the staff report, and the evidence and arguments before the City Council at the public hearings. The City Council determines that the request by the City of Yachats to add Section §9.42.050 and amend Section §9.04.030, of the Yachats Municipal Code. The City Council hereby adopts the staff memo as findings and the other evidence in the record as findings supporting its decision and approves the Ordinance.

Attachments:

1. Draft Ordinance Clean Copy
2. Draft Ordinance with Planning Commission Changes highlighted
3. Public Comments
4. Planning Commission Members Comments and Research
5. Staff memos from earlier public meetings (dated October 20, 2020, November 10, 2020, January 15, 2021, and February 2, 2021)

**CITY OF YACHATS
ORDINANCE NO. 368**

**AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTERS
9.04 – DEFINITIONS AND 9.42 LIGHTING.**

WHEREAS, pursuant to ORS 197.610, the City provided DLCD with Form 1 notice of these proposed YMC Title 9 changes on September 13, 2020;

WHEREAS, notice of the proposed amendments were provided in accordance with procedures established in the Yachats Municipal Code and Oregon Revised Statutes;

WHEREAS, the Planning Commission held a multiple work sessions in 2020, to provide an open forum for discussion of the amendments;

WHEREAS, the Planning Commission and City Council held a work session, to provide an open forum for discussion of the amendments;

WHEREAS, the Planning Commission held a public hearing on October 20, 2020 for the proposed amendments;

WHEREAS, the Planning Commission public hearing was continued to October 28, 2020 for the proposed amendments;

WHEREAS, the Planning Commission followed the text amendment procedures under YMC 9.84.020 and has provided a report to the City Council along with its recommendation to consider the proposed text changes;

WHEREAS, the City Council held a public hearing on these proposed text changes on November 18, 2020 and remanded the Ordinance back to the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on December 21, 2020 for the proposed amendments;

WHEREAS, the City Council held a public hearing on January 20, 2021 for the proposed amendments and remanded the Ordinance back to the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on February 11, 2021 for the proposed amendments;

WHEREAS, the City Council held a public hearing on March 17, 2021 for the proposed amendments

NOW THEREFORE, the City of Yachats ordains as follows:

Section 1. The following definitions are to be added to YMC 9.04.030, in alphabetical order.

CHAPTER 9.04.030 – Definitions

- A. “Cutoff Angle (of a luminaire)” means the angle, measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.
- B. “Exterior Lighting” means lighting relating to the outside of a building or structure.
- C. “Fixture” (also called a luminaire or light fixture) means a complete lighting unit including the light source (bulb), mounting, and shielding.
- D. “Floodlight” means a light that produces up to one thousand eight hundred (1,800) lumens and is designed to “flood” a well-defined area with light.
- E. “Foot-candle” means a measure of luminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen per square foot. As an example, a 60-watt incandescent light (800 lumens) produces an illuminance of one-tenth (0.1) foot candle at a distance of about twenty-five (25) feet.
- F. “Glare” means a light that causes a visual impairment sensation due to excessive brightness from the light source and can interfere with one's ability to see. See Figures 2 and 3 in 9.42.020.
- G. “Hardscape” means permanent hard landscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is ten (10) feet or less in width. Materials may include concrete, asphalt, stone, gravel, etc.
- H. “High Intensity Lighting” means 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.
- I. “Individual Lamp Limit” means limit on output of any individual light source as enumerated in Section 9.42.040.C
- J. “Individual Lot Limit” means the maximum for the sum of all exterior individual light sources on a given property as enumerated in 9.42.050.A and 9.42.050.C.
- K. “Light Trespass/Trespass Lighting” means any light emitted from an outdoor luminaire that either shines directly beyond the property on which the luminaire is installed or indirectly shines beyond the property on which the luminaire is installed at a brightness that exceeds one-tenth (0.1) foot candle at twenty five (25) feet from the light source or at the property line, whichever is more restrictive. See Figure 4 in 9.42.020.

- L. “Lighting Source Height” means the distance from finished grade to the top most portion of any light emitting source (e.g., lamp, surface or lens).
- M. “Luminaire” See definition for “fixture”.
- N. “Marine Lighting” means light fixtures directed at the ocean and coastal tide pools, and illuminating the marine area.
- O. “Outdoor Lighting Fixture” means a luminaire outside of an enclosed building or structure, or any luminaire directed such that it primarily illuminates outdoor areas.
- P. “Security Lighting” means minimal lighting for personal and building security and safety after hours.
- Q. “Shielding” means an opaque covering for an Outdoor Lighting Fixture such that no light rays are emitted above the horizontal plane running through the lowest point of the fixture. Shielding can be extended downward to prevent “Light Trespass” as defined above. See examples in Section 9.42.080.D.
- R. “Uplighting” means lighting that is directed in such a manner as to shine light rays above the horizontal plane.
- S. “Seasonal Lighting” means exterior lighting that is specifically directed at a holiday season such as Christmas, Halloween, and others. This will consist of small, low wattage bulbs of less than 10 lumens each.

Section 2. A new Chapter 9.42 is added to the YMC to provide as follows:

9.42.010 Purpose

The purpose of this Ordinance is to provide regulations for outdoor lighting that will accomplish the following goals:

- A. Permit the use of outdoor lighting that promotes health, safety, security, and productivity.
- B. Protect shoreline natural resources and wildlife.
- C. Enhance the view of the dark sky.
- D. Minimize the adverse effects of bright, outdoor lighting including “light trespass” and “glare”.

9.42.020 Definitions

Types of light are defined in part by their intended use and impact. Full definitions are in 9.04.030. Figure 1 provides basic distinctions between types of light.

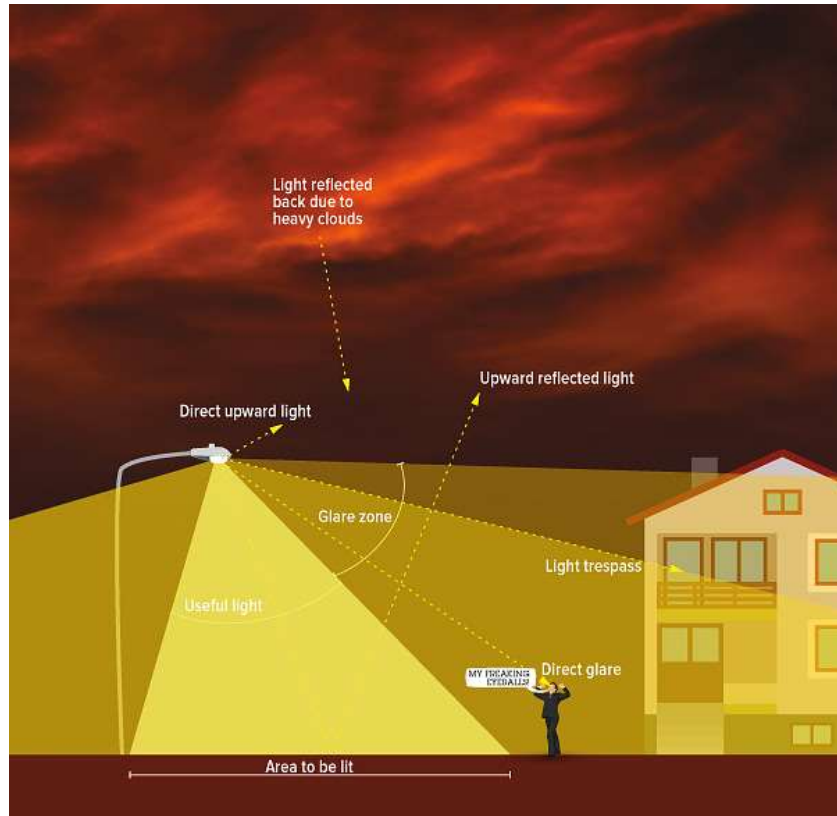


Figure 1. Types of Light

Image by Anezka Gocova, in "The Night Issue", Alternatives Journal 39:5 (2013)



Figure 2: Example of glare from a light pole

Photo: James Lowenthal, Smith College



Figure 3. Example of glare from car headlights



Figure 4. Light Trespass

9.42.030 General Lighting Requirements

- A. Conformance with all applicable codes. All outdoor lighting shall be installed in conformance with the provisions of this Chapter, applicable electrical and energy codes, and applicable sections of the building codes.
- B. Applicability. Except as described below, all outdoor lighting installed after the date of this Chapter shall comply with the requirements specified in section 9.42. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.
- C. Exemptions. The following are not regulated by this Chapter:

1. Lighting within the public right-of-way or easement for the principle purpose of illuminating streets.
2. Lighting for public monuments and statuary.
3. Lighting solely for signs (Covered in Chapter 9.44).
4. Repairs to existing luminaires not exceeding twenty-five percent (25%) of the total replacement value of the luminaire.
5. Temporary lighting for theatrical, musical, and other performance areas and construction sites.
6. Underwater lighting in swimming pools.
7. Temporary, seasonal lighting provided that individual lights are less than ten (10) lumens.
8. Lighting that is only used under emergency conditions.
9. Lighting identified and approved in a specific use permit.
10. Lighting required by County, State, or Federal government.

9.42.040 General Standards

- A. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward, and must be installed at the minimum height necessary so that the cutoff angle does not allow direct lighting of an adjacent property at a level exceeding one-tenth (0.1) foot-candles at twenty-five (25) feet from the light source. See examples in Section 9.42.080.
- B. All trespass lighting/light trespass that exceeds one-tenth (0.1) foot-candles at twenty-five (25) feet from the light source or at the property line is prohibited.
- C. Motion activated security lights must not be triggered by motion on adjacent properties or streets. These lights must be shielded so that they do not shine onto adjacent properties in excess of one-tenth (0.1) foot-candles at the property line.
- D. Marine lighting is prohibited.
- E. Mercury vapor lamps, metal halide lamps, and low-pressure sodium lamps are prohibited.
- F. Uplighting of building and landscaping is prohibited.
- G. Lighting on buildings shall not be placed above the eaves.

9.42.050 Standards Based on Use

- A. Single-Family or Two-Family Residential Uses

1. Individual light sources on residential properties are limited to an output of eight hundred (800) lumens each. An eight hundred (800) lumen output is approximately equivalent to:
 - a. One (1) standard incandescent sixty (60) watt bulb
 - b. One (1) compact fluorescent fifteen (15) watt bulb
 - c. One (1) LED eight (8) watt bulb
2. Individual Lot Limit. The sum of the output of all outdoor lighting sources shall not exceed:
 - a. Five thousand six hundred (5,600) lumens on lots greater than zero-point-three (0.3) acres
 - b. Three thousand two hundred (3,200) lumens on lots less than or equal to zero-point-three (0.3) acres
3. Residential light sources shall be less than a color temperature of three thousand (3,000) Kelvin.
4. Lights on free standing poles higher than four (4) feet are prohibited.

B. Multi-Family Uses

1. Individual lamps on multi-family properties are limited to an output of one thousand two hundred (1,200) lumens each, except for parking areas which may be two thousand (2,000) lumens each.
2. Individual Lot Limit. The sum of the output of all light sources shall not exceed two and one-half (2.5) lumens per square foot of hardscape.
3. A Requirement of a to-scale area of illumination plan. A to-scale Area of Illumination Plan shall include:
 - a. To-scale plans that accurately indicate the location, type, intensity, and height of luminaires including both building-mounted and ground-mounted fixtures;
 - b. A description of the luminaires, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
 - c. Photometric data, such as that furnished by the manufacturer superimposed over a copy of the site plan, showing the angle of light emission and the foot-candles on the ground; and
 - d. Additional information as may be required by the city in order to determine compliance with this chapter.
4. Poles for luminaires shall be limited to:
 - a. Sixteen (16) feet in height for parking areas.

- b. Ten (10) feet in height for walkways and pedestrian facilities.

C. Commercial Uses

1. Commercial uses shall not exceed limits on trespass lighting as specified in 9.42.040.B.
2. Except for security lighting for pathways and building doors, outdoor lighting fixtures for commercial properties must be turned off when the business is not open. When businesses are closed, residential lighting requirements apply.
3. Individual Lot Limit. The sum of the output of all light sources shall not exceed two and one-half (2.5) lumens per square foot of hardscape.
4. Requirements of a to-scale Area of Illumination Plan
 - a. New developments for commercial uses shall provide an Area of Illumination Plan drawn to scale as part of the Site Plan.
 - b. An area of illumination plan drawn to scale shall be required with a change of commercial use or transfer of property for existing commercial uses.
 - c. An area of illumination plan drawn to scale shall include:
 - i. The location, type, intensity, and height of luminaires including both building- and ground-mounted fixtures;
 - ii. A description of the luminaires, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
 - iii. Photometric data, such as that furnished by the manufacturer, superimposed over a copy of the site plan, showing the angle of light emission and the foot-candles on the ground; and
 - iv. Additional information as may be required by the city in order to determine compliance with this chapter.
5. High intensity lights shall be limited to two thousand four hundred (2,400) lumens per luminaire. Due to their high energy efficiency, long life, and spectral characteristics, narrow-spectrum amber LED's are the preferred illumination source.
6. Poles for luminaires shall be limited to:
 - a. Sixteen (16) feet in height for parking lots.
 - b. Ten (10) feet in height for walkways and pedestrian facilities.

D. Pedestrian Ways and Parks

1. Illumination: Light shall be directed in such a manner that any changes in elevation of the walkway (e.g., steps or curbs) shall be illuminated such that said features are clearly discernible (without shadow).

2. **Fixture Type:** Pedestrian walkway light fixtures can be a combination of freestanding pole, bollard, in-place step or building-mounted fixtures. For building mounted fixtures, the Planning Director shall ensure that the proposed fixture type will be in scale with the building elevation on which it is to be installed. The Planning Director may refer this latter determination to the Planning Commission.
3. **Fixture Heights:** Light fixtures shall not exceed the following height provisions:
 - a. Freestanding pole - Not greater than fourteen (14) feet as measured from finished grade to the bottom of the light fixture.
 - b. Building-mounted - Shall be located below the roof's eave or up to a height of fourteen (14) feet, whichever is less.
 - c. Bollard - Said fixture type shall not exceed a height of forty-two (42) inches as measured from finished grade to the top of the fixture.

9.42.060 Variances

To provide for reasonable interpretation of this Chapter, and in certain instances where this Chapter may produce a hardship, a property owner may apply for a variance pursuant to Chapter 9.80 of this Code

9.42.070 Time to Become Compliant

- A. The General Standards described in 9.42.030 and 9.42.040 require compliance within one year after the passage of this Ordinance, notwithstanding the City's non-conforming use provisions in YMC Chapter 9.76
 1. When violations of 9.42.040 are issued a notice by the enforcement officer and if the violation can be corrected by replacing an existing bulb with a lower intensity bulb, this corrective action is required to be implemented within fourteen (14) days after the notice is issued. Other corrective actions are required to be implemented within sixty (60) days after the notice is issued.
 2. Marine lighting existing prior to the enactment of this ordinance must be:
 - a. During daylight savings time turned off between 11:00 PM and sunrise each night, and
 - b. During standard time turned off between 9:00 PM and sunrise each night, and
 - c. Removed, replaced, or disconnected within one (1) year of the enactment of this ordinance.
- B. Compliance based on extent of modification:
 1. New uses and buildings. For all proposed new land uses, developments, buildings, and structures that require a permit, all outdoor lighting installations shall meet the requirements of this Code.

2. Additions and modifications. All building additions or modifications exceeding twenty-five (25) percent in terms of additional dwelling units or gross floor area, and that require a permit, either with a single addition or cumulative additions, shall comply with the requirements of this Chapter. This requirement shall hold for the entire property, including both previously installed and any new outdoor lighting.
 3. If replacement or repair is required to an outdoor lighting fixture due to weather damage, accident, vandalism, or other unforeseen event, the outdoor lighting fixture may be replaced as it was previously built. Compliance to Chapter 9.42 requirements is not required. However, if the design is changed in any way then compliance is required.
- C. Resumption of use following abandonment. If a property or use with non-conforming lighting is abandoned, all outdoor lighting shall be reviewed and brought into compliance with this Chapter before the use is resumed.

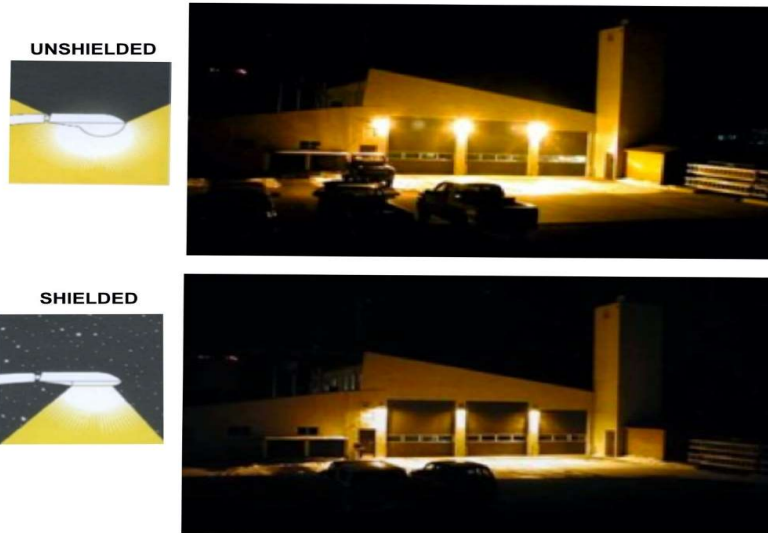
9.42.080 Examples

- A. Example showing that bright lights are not always better for security. Glare from bright wall light masks person standing at gate.



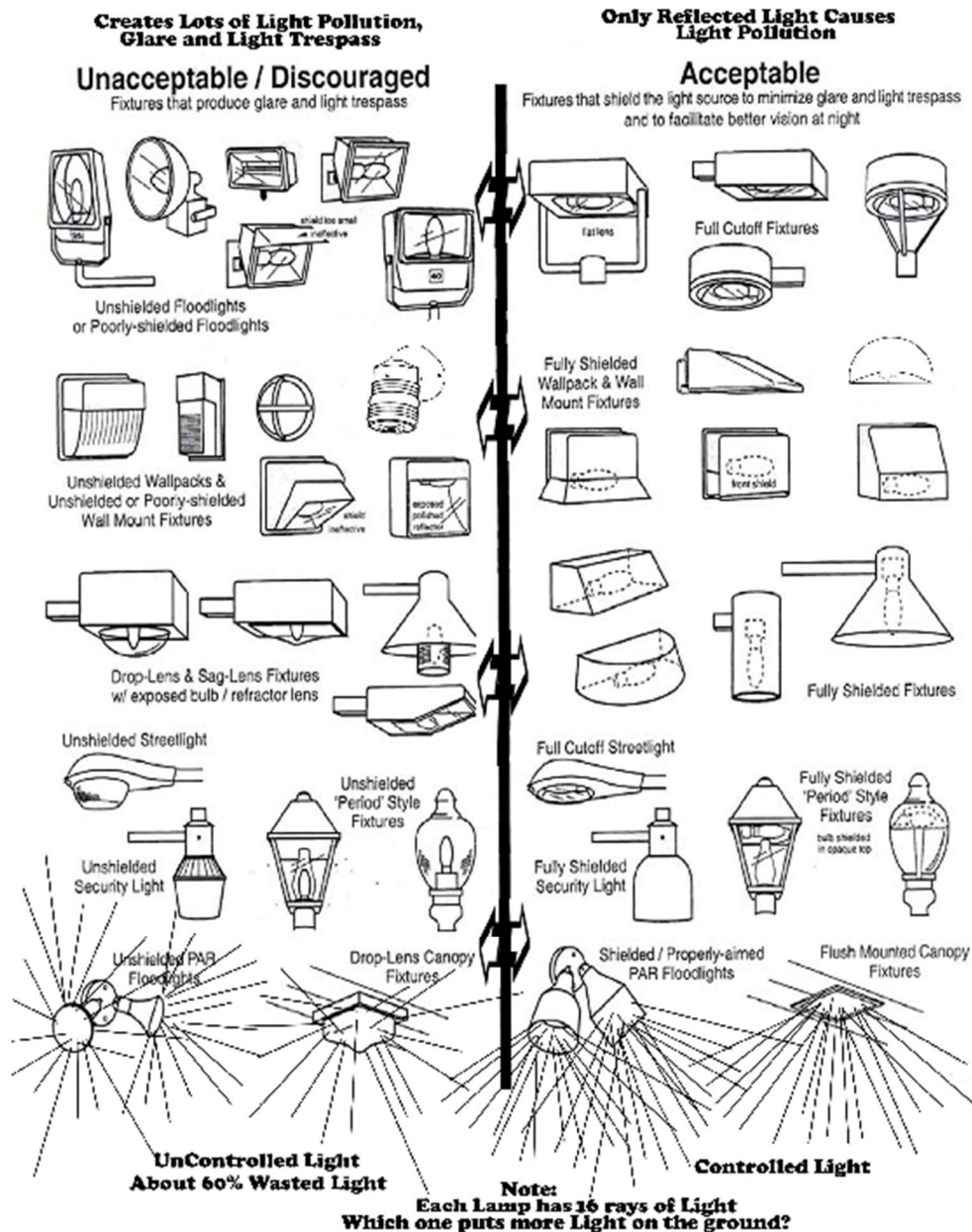
B. Example of before and after with addition of shielding on a street light. Shielded light better illuminates roadway and sidewalks. (Images from International Dark-Sky Association Intro to Lighting public materials.)

C. Example of shielding reducing glare on property and providing for better illumination of area.



- D. Examples of properly shield light fixtures. (Images from International Dark-Sky Association Intro to Lighting Public materials.)

Examples of Light Fixtures



Section 3. Severability. Any provision of this Ordinance which proves to be invalid, void, or illegal shall in no way affect, impair or invalidate any other provision of this Ordinance, and the remaining provisions of this Ordinance shall remain in full force and effect.

Section 4. Effective Date. This ordinance shall take effect on the 30th day after its adoption.

Passed and adopted by the Yachats City Council this _____ day of _____, 20____

	YES	NO	NOT PRESENT
Leslie Vaaler, Mayor	☐	☐	☐
Greg Scott	☐	☐	☐
Mary Ellen O'Shaughnessey	☐	☐	☐
Ann Stott	☐	☐	☐
Anthony Muirhead	☐	☐	☐

Leslie Vaaler, Mayor

Attest by:

Shannon Beaucaire, City Manager

**CITY OF YACHATS
ORDINANCE NO. 368**

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9.04 – DEFINITIONS AND 9.42 LIGHTING.**

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9.42.020 Definitions

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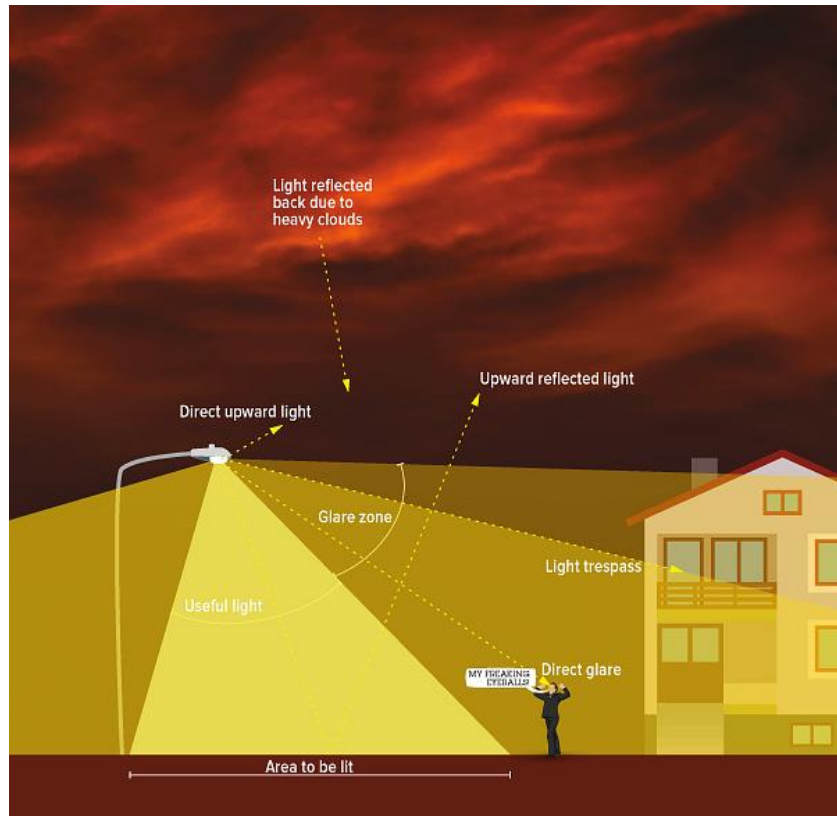


Figure 1. Types of Light

Image by Anezka Gocova, in “The Night Issue”, Alternatives Journal 39:5 (2013)



Figure 2: Example of glare from a light pole

Photo: James Lowenthal, Smith College



Figure 3. Example of glare from car headlights



Figure 4. Light Trespass

9.42.030 General Lighting Requirements

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- C. Exemptions. The following are not regulated by this Chapter:

1. Lighting within the public right-of-way or easement for the principle purpose of illuminating streets.
2. Lighting for public monuments and statuary.
3. Lighting solely for signs (Covered in Chapter 9.44).
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6. Underwater lighting in swimming pools.
7. Temporary, seasonal lighting provided that individual lights are less than ten (10) lumens.
8. Lighting that is only used under emergency conditions.
9. Lighting identified and approved in a specific use permit.
10. Lighting required by County, State, or Federal government.

9.42.040 General Standards

- A. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward, and must be installed at the minimum height necessary so that the cutoff angle does not allow direct lighting of an adjacent property at a level exceeding one-tenth (0.1) foot-candles at twenty-five (25) feet from the light source. See examples in Section 9.42.080.
- B. All trespass lighting/light trespass that exceeds one-tenth (0.1) foot-candles at twenty-five (25) feet from the light source or at the property line is prohibited.
- C. Motion activated security lights must not be triggered by motion on adjacent properties or streets. These lights must be shielded so that they do not shine onto adjacent properties in excess of one-tenth (0.1) foot-candles at the property line.
- D. ~~All new~~ Marine lighting is prohibited.
- E. Mercury vapor lamps, metal halide lamps, and low-pressure sodium lamps are prohibited.
- F. Uplighting of building and landscaping is prohibited.
- G. Lighting on buildings shall not be placed above the eaves.

9.42.050 Standards Based on Use

- A. Single-Family or Two-Family Residential Uses

1. Individual light sources on residential properties are limited to an output of eight hundred (800) lumens each. An eight hundred (800) lumen output is approximately equivalent to:
 - a. One (1) standard incandescent sixty (60) watt bulb
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1. Individual lamps on multi-family properties are limited to an output of one thousand two hundred (1,200) lumens each, except for parking areas which may be two thousand (2,000) lumens each.
2. Individual Lot Limit. The sum of the output of all light sources shall not exceed two and one-half (2.5) lumens per square foot of hardscape.
3. A Requirement of a to-scale area of illumination plan. A to-scale Area of Illumination Plan shall include:
 - a. To-scale plans that accurately indicate the location, type, intensity, and height of luminaires including both building-mounted and ground-mounted fixtures;
 - b. A description of the luminaires, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
 - c. Photometric data, such as that furnished by the manufacturer superimposed over a copy of the site plan, showing the angle of light emission and the foot-candles on the ground; and
 - d. Additional information as may be required by the city in order to determine compliance with this chapter.
4. Poles for luminaires shall be limited to:
 - a. Sixteen (16) feet in height for parking areas.

- b. Ten (10) feet in height for walkways and pedestrian facilities.

C. Commercial Uses

1. Commercial uses shall not exceed limits on trespass lighting as specified in 9.42.040.B.
2. Except for security lighting for pathways and building doors, outdoor lighting fixtures for commercial properties must be turned off when the business is not open. When businesses are closed, residential lighting requirements apply.
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D. Pedestrian Ways and Parks

1. Illumination: Light shall be directed in such a manner that any changes in elevation of the walkway (e.g., steps or curbs) shall be illuminated such that said features are clearly discernible (without shadow).

2. Fixture Type: Pedestrian walkway light fixtures can be a combination of freestanding pole, bollard, in-place step or building-mounted fixtures. For building mounted fixtures, the Planning Director shall ensure that the proposed fixture type will be in scale with the building elevation on which it is to be installed. The Planning Director may refer this latter determination to the Planning Commission.
3. Fixture Heights: Light fixtures shall not exceed the following height provisions:
 - a. Freestanding pole - Not greater than fourteen (14) feet as measured from finished grade to the bottom of the light fixture.
 - b. Building-mounted - Shall be located below the roof's eave or up to a height of fourteen (14) feet, whichever is less.
 - c. Bollard - Said fixture type shall not exceed a height of forty-two (42) inches as measured from finished grade to the top of the fixture.

9.42.060 Variances

To provide for reasonable interpretation of this Chapter, and in certain instances where this Chapter may produce a hardship, a property owner may apply for a variance pursuant to Chapter 9.80 of this Code

9.42.070 Time to Become Compliant

- A. The General Standards described in 9.42.030 and 9.42.040 require compliance within one year after the passage of this Ordinance. ~~n~~Notwithstanding the City's non-conforming use provisions in YMC Chapter 9.76:
 1. When violations of 9.42.040 are issued a notice by the enforcement officer and if the violation can be corrected by replacing an existing bulb with a lower intensity bulb, this corrective action is required to be implemented within fourteen (14) days after the notice is issued. Other corrective actions are required to be implemented within sixty (60) days after the notice is issued.
 2. Marine lighting existing prior to the enactment of this ordinance must be:
 - a. During daylight savings time ~~t~~Turned off between 11:00 PM and sunrise each night, and
 - ~~a-b.~~ During standard time turned off between 9:00 PM and sunrise each night, and
 - ~~c.~~ Removed, replaced, or disconnected within three-one (1) years of the enactment of this ordinance.
- B. Compliance based on extent of modification:
 1. New uses and buildings. For all proposed new land uses, developments, buildings, and structures that require a permit, all outdoor lighting installations shall meet the requirements of this Code.

2. Additions and modifications. All building additions or modifications exceeding twenty-five (25) percent in terms of additional dwelling units or gross floor area, and that require a permit, either with a single addition or cumulative additions, shall comply with the requirements of this Chapter. This requirement shall hold for the entire property, including both previously installed and any new outdoor lighting.
 3. If replacement or repair is required to an outdoor lighting fixture due to weather damage, accident, vandalism, or other unforeseen event, the outdoor lighting fixture may be replaced as it was previously built. Compliance to Chapter 9.42 requirements is not required. However, if the design is changed in any way then compliance is required.
- C. Resumption of use following abandonment. If a property or use with non-conforming lighting is abandoned, all outdoor lighting shall be reviewed and brought into compliance with this Chapter before the use is resumed.

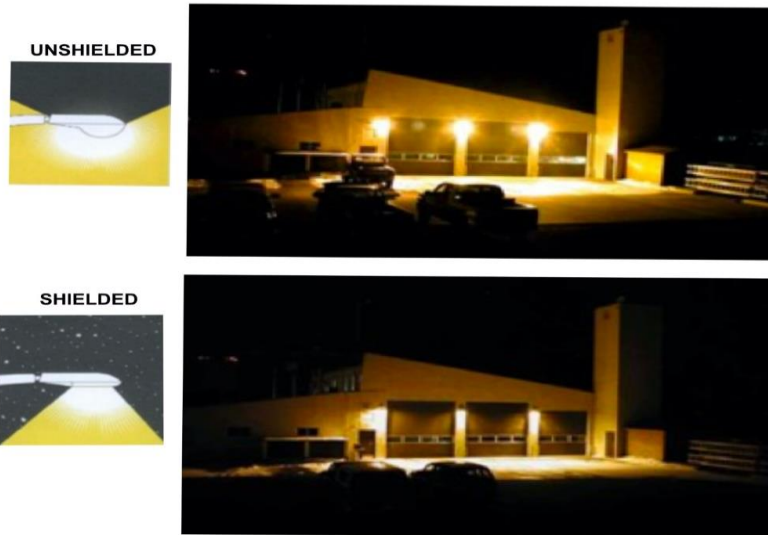
9.42.080 Examples

- A. Example showing that bright lights are not always better for security. Glare from bright wall light masks person standing at gate.

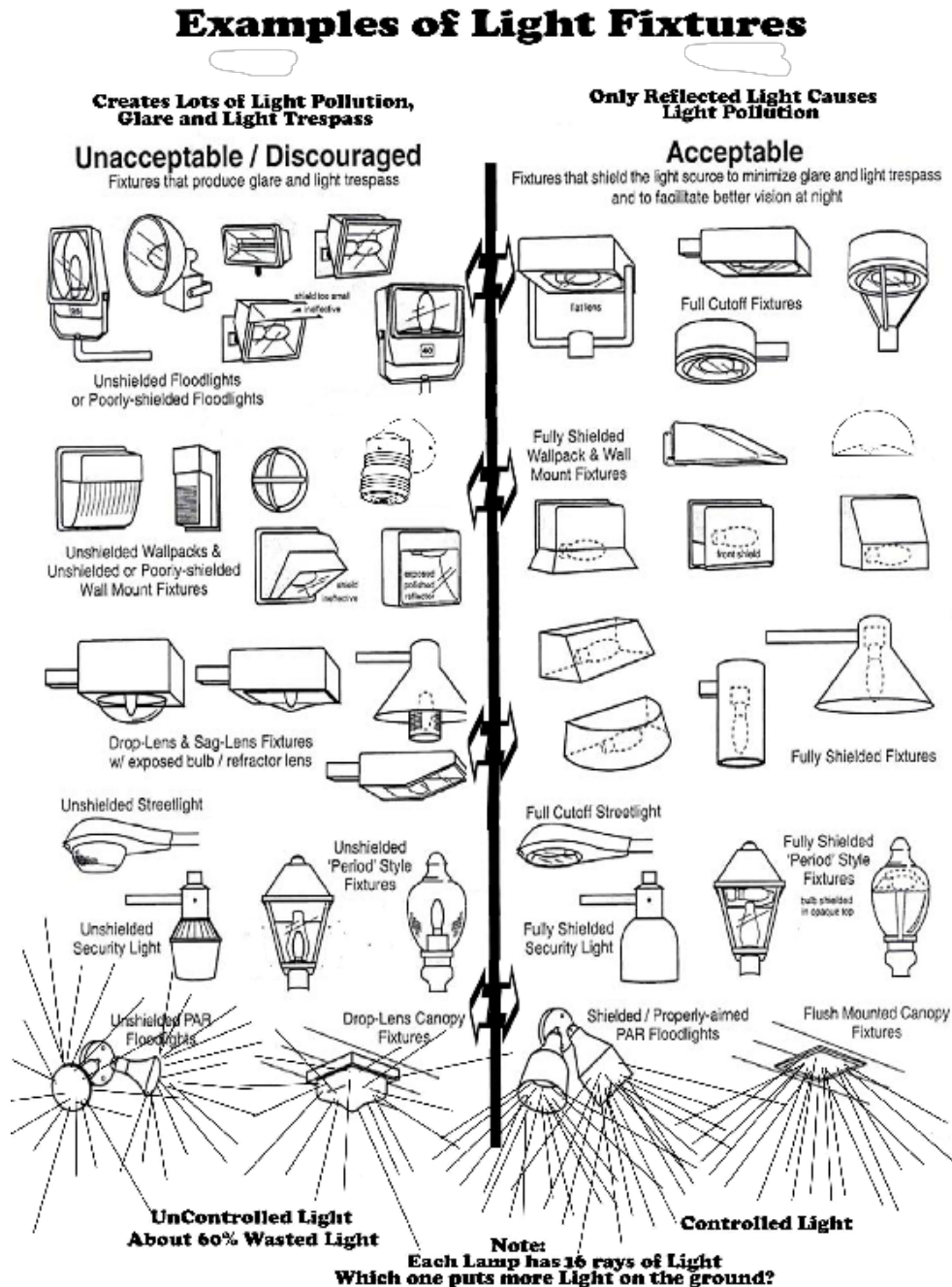


B. Example of before and after with addition of shielding on a street light. Shielded light better illuminates roadway and sidewalks. (Images from International Dark-Sky Association Intro to Lighting public materials.)

C. Example of shielding reducing glare on property and providing for better illumination of area.



- D. Examples of properly shield light fixtures. (Images from International Dark-Sky Association Intro to Lighting Public materials.)



Section 3. Severability. Any provision of this Ordinance which proves to be invalid, void, or illegal shall in no way affect, impair or invalidate any other provision of this Ordinance, and the remaining provisions of this Ordinance shall remain in full force and effect.

Section 4. Effective Date. This ordinance shall take effect on the 30th day after its adoption.

Passed and adopted by the Yachats City Council this _____ day of _____, 20____

	YES	NO	NOT PRESENT
Leslie Vaaler, Mayor	☐	☐	☐
Greg Scott	☐	☐	☐
Mary Ellen O'Shaughnessey	☐	☐	☐
Ann Stott	☐	☐	☐
Vacant	☐	☐	☐

Leslie Vaaler, Mayor

Attest by:

Shannon Beaucaire, City Manager

RE: For Holly G. Hamilton

lynb953@gmail.com <lynb953@gmail.com>

Tue 10/6/2020 5:49 PM

To: Yachats City Planner <Planner@YachatsMail.org>

But I don't know what those amendments contain. How can I find more info before the Zoom meeting?

M. Brown

Sent from [Mail](#) for Windows 10

From: [Yachats City Planner](#)

Sent: Tuesday, October 6, 2020 6:45 PM

To: [lynb953@gmail.com](#)

Subject: Re: For Holly G. Hamilton

Good afternoon, you are correct, the hearing is about both amendments.

We thought it a best use of city funds to combine the two amendments for notice and public hearings.

Please let me know if I can provide you with additional information on the amendments - you can also find information on the city's Web Site:

<https://yachatsoregon.org/>

Regards, Holly

Keep Lincoln County Open

Holly G Hamilton, *MJRP*

Assoc. AICP

Contract Planner *for*

Oregon Cascades West Council of Governments

EMAIL:

Planner@Waldport.org

Planner@Yachatsmail.org

hhamilton@OCWCOG.org

OFFICE PHONE:

Voicemail Msg: 541-812-2002

Waldport: 541-563-3561 x 15

Yachats: 541-547-3565

HOURS FOR WALK-IN:

9:00 AM to 4:00 PM (Currently by appt.)

Mon/Thurs – Waldport

Tues/Weds – Yachats

Fri - Remote

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[Yachats, OR | Official Website](#)

Find events & meetings UPCOMING EVENTS Choose a tab to see Community Events, Classes in the Commons, City meeting schedules, or Public Works Department scheduled activities

yachatsoregon.org

From: lynb953@gmail.com <lynb953@gmail.com>
Sent: Tuesday, October 6, 2020 12:46 PM
To: Yachats City Planner <Planner@YachatsMail.org>
Subject: For Holly G. Hamilton

Ms. Hamilton

I own property within the city limits of Yachats, and am confused about a mailing I received recently from your department titled: NOTICE OF THE CITY OF YACHATS PROPOSED PUBLIC LAND USE HEARING. Is the hearing about Hazard Mitigation and Lighting Ordinance, the two titles in bold type? Or is it another matter? Can you please clear up my confusion on this?

Thank you.

Marilyn M. Brown



Virus-free. www.avg.com

Outdoor lighting

Jean Erdahl <jean.erdahl@gmail.com>

Fri 10/9/2020 10:34 AM

To: Yachats City Planner <Planner@YachatsMail.org>

Hello. I am writing in support of the outdoor lighting ordinance to protect the environment and the beauty and our appreciation of the natural night sky. My husband and I moved to Yachats a year ago from a major downtown city after vacationing here often for 20 years. The only time we were able to see the stars at night due to the invasive lighting of the downtown was on our trips to Yachats or the occasional drive out to the countryside. We would be in awe of the features of the night sky that some people seem to take for granted such as the big dipper, the milky way and shooting stars. We are in favor of a lighting ordinance that would help eliminate invasive lighting and protect our natural environment. Ever hopeful, JeanE Erdahl

Lighting ordinance proposal

northnolan1@gmail.com <northnolan1@gmail.com>

Fri 10/9/2020 6:11 AM

To: Yachats City Planner <Planner@YachatsMail.org>

Dear Yachats City Planners,

I would like to express my wholehearted support for the new focus on lighting at residential and commercial properties in the city. My house is at the corner of Marine Drive and Ocean View, and we have been impacted negatively by neighbors lighting to the west on Marine Drive that is unshielded and overwhelmingly in trespass on our home and views. The overhead street light, which was recently changed to a new type of high intensity bulb and fixture, is far in excess of what is needed at that corner, and should be shielded to downlight at lower intensity for the benefit of all. Lastly, the south facing spotlights at the Adobe have been a constant plague on our views of the shore and the night sky. These two lamps may well be directly affecting marine life in the near shore, including the now extinct but once robust smelt spawn, as well as whale and fish activity in the area. Please, please address this serious quality of life issue and move toward the Dark Sky goal that enables all of us to live and sleep in peace with the natural surroundings we love here in Yachats.

Respectfully,
Michael and Kay Nolan
1219 Ocean View Drive
Yachats

Sent from my iPad

Dark sky Yachats

kent naffziger <knbuddah@gmail.com>

Sat 10/10/2020 12:55 PM

To: Yachats City Planner <Planner@YachatsMail.org>

We want to pass along our whole hearted endorsement of the lightning ordinance being considered for Yachats. As near full timers we are so thankful for the ability to observe the Milky Way in the middle of town, but only when our neighbors exterior lights are not in play. We agree that this wonderful sky can be a potential draw for visitors much as the northern lights are in other parts of the world. Our hope is that the ordinance also takes the newly minted led streetlights into account as well. The led are not healthy and are overly bright. We are so thankful that motion "security " lights and other overly bright outside lights will be directed to shine straight down as no resident nor visitors should need to sleep inside a tent atop their bed, inside their home. Thank you for taking these steps and may dark skies reign! Kent Naffziger

Sent from my iPhone

Date: October 13, 2020

To: Yachats Planning Commission

From: Kerry Kemp 
420 W. 1st St. (the "Property")
Yachats, OR 97498

RE: Proposed Lighting Ordinance – Comments submitted for Public Hearing 10/20/2020

Thank you for providing the opportunity to submit comments on the draft lighting ordinance ("Ordinance"). I appreciate the City's due diligence, and improper or excessive use of lighting is sometimes an issue. However, it may be government overreaching its police powers on use of property, and although I am not a lawyer it could open the city up to lawsuits if injuries or crimes occur as a result of a lack of adequate lighting. This Ordinance also creates an undue burden on the city, adding costs for administration and enforcement, as well as fostering neighborhood squabbles over compliance.

Even so, if the City decides to go forward with the Ordinance, please consider my input below.

Multi-Family and Residential Uses (definitions):

These definitions should be defined or reference specific definitions elsewhere in the Zoning Code.

Flagpoles

There is an existing 17-foot flagpole installed at the Property, which is currently unlit. There appears to be no provision for allowing lighting of the US flag in this Ordinance. Rather, it seems to disallow it.

Number/Type and Brightness of Lights

The approximately 5,000 square foot Property is Residential Use, which, according to the draft ordinance (Section 9.42.050), may have no more than 800 lumens per fixture, and 3,200 max lumens. This equates to four fixtures. There are currently six lights, which means to comply each one could provide up to 533 lumens, on average, or two fixtures would need to be removed. The question is which two? There are four doors to the house, each of which has a light for security, and they also illuminate patios and walkways for safety. The detached garage also has two lights, one illuminating the deck and the other the door. In addition, the fixtures themselves may not fit the new standards for fixture type. I am concerned that, even though none of the lights shine directly on any neighboring occupied properties—mostly it's right-of-way or state park—the Property will be forced into compliance. This, even though there is a much greater "light trespass" from the frequent vehicles that enter or exit the park. Vehicle lights are a much greater problem than lighting on the Property, which is not often used.

We have spent years improving the Property, including the lighting. All this Ordinance does is create a means to complain, to force spending more effort and money, without much public need or benefit.

Variances

The Ordinance seems to be "one size fits all" with the only flexibility via applying for a variance based on "hardship" (whatever that means), which will cost fees and may or may not even be approved. The Property has been developed since the 1950's, with the garage dating from the 1980's. There should be some mechanism for grandfathering or for allowing non-conforming uses.

Thank you for your consideration.

Lighting by Dublin motel

Susan Macdonell <susanmacdonell1@gmail.com>

Wed 10/14/2020 3:47 AM

To: Yachats City Planner <Planner@YachatsMail.org>

My house is 820 Driftwood Lane. I have to have blackout curtains just to block the all night lighting from the Dublin motel.

The Dublin Motel has 4 very bright lights on the west side of the building on each night

They light up the whole neighborhood .At least 10 houses are impacted by this light pollution.

Yachats has some beautiful starry skies and we should reduce outdoor lighting so as to enjoy it.

I would ask the Dublin to shade their lights .

Lighting Ordinance - comments - questions

Larry Ellington <ellington.larry@gmail.com>

Sun 10/18/2020 8:56 PM

To: Yachats City Planner <Planner@YachatsMail.org>

Cc: 'Caroline van Wagtendonk' <caroline.vanwagtendonk@gmail.com>

Holly G Hamilton, Contract Planner:

We strongly support the proposed lighting ordinance and appreciate the extensive effort of the Planning Commission. We offer the following suggestion and questions.

1. We suggest the lighting ordinance include a reference in section **9.42.040 General Standards** to the existing prohibition on exterior lighting directed onto the marine zone (public property) at **Section 5.08.165** of the Yachats Municipal code.

Section 5.08.165 Exterior lighting.

A. Exterior lighting shall not be directed from the property of the owner onto private residential or commercial property, streets, parklands, or other public properties.

2. Please clarify: **9.42.070 Time to Become Compliant**

- **A. The General Standards described in 9.42.030 and 9.42.040 require compliance within one year after the passage of this Ordinance.**

- My neighbor's porch light is very bright. Can they defer compliance until the cost to replace/repair their fixture exceeds 25% of total replacement value? Or is bulb replacement considered "replacement lighting"?
- When must an existing metal halide lamp be removed? Within one year, or when the cost to replace/repair the fixture exceeds 25% of total replacement value?

Thank you,

Larry Ellington
Caroline van Wagtendonk
841 Ocean View Dr.
ellington.larry@gmail.com

John Purcell
116 Spring Hill Road
P.O.Box 161
Yachats, OR. 97498

October 20, 2020

To: Planning Commission, City of Yachats

Re: Public Comments, Proposed City of Yachats Lighting Ordinance

Dear Planning Commission,

First and foremost, thank you for addressing the lighting ordinance. Your time has been well spent and the draft, well crafted.

As a brief introduction, I was involved in electrical engineering, lighting design, and commercial electrical construction for twenty one years of my career. During that time I was able to gain an understanding of the often complicated and complex world of lighting. With that in mind, I would like to offer my limited experience to try and answer any questions that the Commission might have regarding exterior lighting.

With specific regard to the Draft, I'd like to offer the following comments:

9.04.030 Definitions

Item D: Even though we're all somewhat used to the term, the use of "watts" or "wattage" can be misleading especially with the advent of LED. To help I suggest that the last sentence of this section be reworded as follows:

"As an example, an 800 lumen lamp (equivalent to an old style 60 watt incandescent lamp) produces an illuminance of one-tenth (0.1) foot candle ('lumen') at a distance of about twenty-five (25) feet."

Item I: I suggest that you add the word "exterior" to better define the section.

9.42.50 Standards Based on Use

A. Residential Uses

Item 1: I recommend that you strike "b" & "c" - improvements to both fluorescent and LED lights continue to be able to provide more lumens per watt. The way its written, a homeowner could install more efficient 8 watt LED lamps claiming

conformance while in fact, the new LED lighting may be shedding more than 800 lumens.

B. Multi-family Uses

1. The Draft allows lamps up to two thousand four hundred lumens each. That's three times the allowable limit for a single family residence. That's a lot of light and I don't see a benefit.

3. Add or clarify that the owner/developer "shall provide" a to-scale Area of Illumination Plan.

4. Subsections "a" and "b" are both in conflict ("Twenty (16), and Fourteen (10)")

C. Commercial Uses

General Comment). As I understand it, Yachats allows residential home(s) to be built on commercially zoned properties and when that happens, at least one "commercial benefit" gets extended to the "residential" restrictions: the residence is allowed to exceed the percentage of property coverage (currently 40%) imposed on residential lots and instead use the coverages allowed for a commercial development. The way the Draft is written (Section 4.b and others), a single family dwelling built on a commercial lot could be allowed to use higher lumen fixtures and incorporate more lumens per property.

5. The Draft "encourages" the use of LPS (Low Pressure Sodium) lamps due to their reputation for benefiting dark sky's. While this was true years ago, the advent of LED lamps has made LPS lamps somewhat obsolete. More to the point, Emergency Service Providers disliked LPS because of the lamp's extremely limited color rendition - at an accident scene under LPS lamps, EMS, Police and Fire Crews could not differentiate between blood, water or gasoline. I recommend that the Draft cut the second and third sentences while retaining the first and the fourth.

6. Subsections "a" and "b" are both in conflict ("Twenty (16), and Fourteen (10)")

Thank you for taking the time to review my comments. Again: good job.

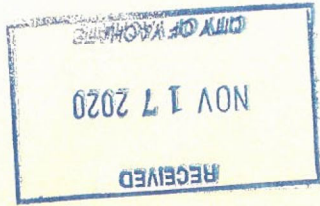
John Purcell

The ADOBE RESORT

P.O. Box 219
Yachats, Oregon 97498
Telephone (541) 547-3141 • 1-800-522-3623

COPY

November 16, 2020



John Moore, Mayor
Yachats City Council Members
City of Yachats
P.O. Box 345
Yachats, Oregon 97498

RE: Proposed Amendments to the City Lighting Code – Title 9.42

Dear Mayor Moore and Yachats City Council Members,

I am writing in an effort to inform the city of our concerns with safety at our property, specifically regarding the proposed removal of marine lighting. The Adobe Resort currently has lights that illuminate the rocky coastline directly in front of The Adobe. The Adobe has been allowed to illuminate this area for the last forty plus years and is an added attraction for our guests to be able to watch the waves from our Restaurant/Lounge, their room and our webcam. Removal of this lighting would hurt our business.

I listened to the commission's discussion during its work session of October 27, 2020. In that discussion, a member of the commission asserted that "most people" in Yachats do not want "marine lighting", but did not cite any surveys, petition or other indicators of public sentiment. I would appreciate more information about the **sources and scope** of those opinions.

I also was struck by the lack of any distinction during the commission's discussion between "marine lighting" (also referred to by one member as "lighting up the ocean") and "surf lighting". "Surf lighting," like that provided at the Adobe Resort, is much less intrusive on marine life and does not affect breeding areas or the life cycles of local species. I respectfully request that the council and commission give this distinction more study and discussion before adopting a blanket ban of our lighting practices under the heading of "marine lighting" **using a code template that was developed for other, different circumstances.**

Our lights provide more than just a view at night. The Adobe Resort welcomes around fifty thousand hotel guests a year. The first priority is to keep our guests safe and to avoid circumstances, which could turn into life and death situations for people on our property. These dangers can range from slips and falls to predators confronting guests. Other hotels have dealt with such dangers and applying steps to prevent these things from happening is our main priority. At the Adobe Resort we care about our guests and staff and take these issues seriously.

COPY

The Adobe Resort logo features the word "The" in a small, elegant script, followed by "ADOBE" in a large, stylized, serif font with a decorative flourish under the "E". Below "ADOBE" is the word "RESORT" in a smaller, clean, sans-serif font.

2 of 3

P.O. Box 219
Yachats, Oregon 97498
Telephone (541) 547-3141 • 1-800-522-3623

Without adequate lighting outside our business, more problems will arise. For example, the ocean's cliff is jagged and dangerous to those walking. If people are not able to see the cliff, it is possible they could be seriously hurt by slipping and falling. The rocks on the ocean's edge are uneven and unsafe, especially when you cannot see them clearly. Taking away our lights would be taking away a precaution we have set in place to protect our guests. Contrary to the statements of one planning commission member, "ambient lighting" would be insufficient to provide this protection.

The check-in time for the Adobe is at 4pm and with the sun setting so early in the winter time, our natural light is gone quicker than usual. Nature is something we cannot change, but we can help compensate for the loss of natural light. The Adobe does not have a defined trail in front of our property, but we have allowed guests and people from town to walk across our bluff. People enjoy watching the waves, the gorgeous sunsets, and make use of our benches. Lights help show the coastline and guide people back to where they need to go. An increased worry for our guests and others making use of our property occurs if we do not have lights in place to help guide them. As you know, coastal winds are very strong. The lights we currently have in place are stable and perform the job required, unlike other types of lighting.

The safety of our guests in their rooms presents another problem. The resort has 26 ground floor guest rooms that open toward the ocean. These rooms would lose all security lighting if this proposal is implemented. Along with our lights we have a webcam, cameras and security that roam the area throughout the night. The truth is, lights and added security are never a 100% guarantee of safety and being crime free. Yet, we do those precautions to try and protect ourselves. Our goal as a business is to protect our guests the best we can.

I also noted the planning commission's discussion of the increased safety concerns for multi-family housing parking areas. That illustrates the need for the commission to also consider the safety concerns for our parking lot. In addition, our parking lot is not in a residential neighborhood.

While working in my six years so far as general manager at The Adobe, I can confirm that we have had crime occur. Such as stolen goods and belongings out of cars or ground floor rooms. These are realities as a business that we are faced with and have to prevent on a daily basis the best way possible. With less lighting in these areas, those problems would only increase.

If this amendment is passed and our lighting is removed, the bluff area will have to become an area reserved only for hotel guests. Guests would be required to sign a waiver when checking-in, stating that they recognize climbing on the rocks and being out in the dark is not recommended for their safety. I will also be recommending a fence and gate with guest key access only. In order to protect our guests, non-guests would no longer have access to our property. Many currently walk across our property to access the 804 Trail. Sadly, this new amendment would force us to take these actions. Access to the 804 Trail from Smelt Sands via Highway 101 will remain.



3 of 3

P.O. Box 219
Yachats, Oregon 97498
Telephone (541) 547-3141 • 1-800-522-3623

For the past forty+ years The Adobe Resort has been able to illuminate its coastline and parking lot to provide the extra safety and security to our guests and staff. I highly recommend that the city think about the points I have made and ask for support in our goal to keep our lighting status quo. Thank you for reading and listening to our concerns about this new city lighting code.

Sincerely,

Anthony Muirhead
Adobe Resort
General Manager

Received 11/28/2020

Dear Planning Commission,

Thank you for your hard work on the new lighting ordinance. The proposed ordinance establishes standards for the respectful use of external lights in our community.

It is ironic that those who have been violating our health and safety ordinance (Yachats Municipal Code 5.08.165) for the past 15 years claim to be doing so for safety. And the Yachats City Council, whose obligation it is to enforce that code, is now facilitating “a compromise.” Color me skeptical.

I don’t know if the council has been presented with the results of the Planning Commission’s public survey, but the people who responded, overwhelmingly oppose the “marine lights.” The commission knows this because it specifically asked them that question.

Perhaps another survey might be in order, but the City Council and the hospitality industry should understand that the sampling done by the Planning Commission is unambiguous – the sampled community opposes these lights by a pretty wide margin.

Compromise isn’t actually a land use policy, and the community isn’t obligated to do so. Land use Goal C, Policy #2 obligates the city to mitigate adverse effects upon water quality and fish and wildlife habitat resulting from the use of shore lands.

There is clear evidence that these lights attract insects, which dramatically skews their natural distribution. Species of bats that tolerate light will gorge themselves on the clouds of congregated insects, while those that are “light-shy” will go hungry. How does compromise mitigate this adverse effect?

The giant orange domes of glare that reach high into the night sky above the 804 Trail are the single biggest source of light pollution in Yachats. These giant, high-intensity, focused beam lights are obviously for the aesthetic enjoyment of shoreline views from inside the buildings, and are not intended for exterior security or safety purposes. Sitting in the restaurant, or in your room, enjoying the illuminated surf is the entire point. The Yelp reviews, that even bother to mention the lights at all, enjoyed them from inside the building.

However, upon stepping outside of the building, these bright lights ruin one’s night vision and actually make walking the 804 Trail dangerous. For the same reason that shining a bright light directly into your eyes doesn’t help you see better in the dark, these high intensity lights create a very high contrast condition of blinding glare, surrounded by inky darkness. Additionally, illuminating the rocky bluff at night, serves as an implicit invitation to explore the bluffs at night. Clearly a bad idea.

The assumption that visitors would prefer an artificially illuminated, Disneyesque experience, rather than the unspoiled darkness, and unobstructed view of the deep sky is highly questionable, and even a little old fashioned, in my opinion. In today’s highly light-polluted world, dark skies are marketable, and some of the best viewing occurs during the winter months when thermal eddies are minimal.

Just imagine, the Milky Way Galaxy illuminating our dark southern sky. Imagine the bluff, busy with people setting up tripods for telescopes, deep-sky binoculars and cameras. Imagine renown

astro-photographers (not to mention our really fine local photographers) coming to Yachats to photograph the Andromeda Galaxy, or the Great Orion Nebula, both of which, are visible through binoculars on a moonless night.

Imagine kids being able to see, for the first time, the moons of Jupiter, and the rings of Saturn. Imagine the benefit of dark skies, coupled with our unimpeded views of the western horizon, when the next comet makes its trip to our sunset. Yes, it rains a lot, but we get stretches of clear winter skies in January and February that are absolutely perfect for deep sky enthusiasts.

Perhaps rather than using threats and coercion to force a compromise, the hospitality industry, and the City Council, should consider respecting the opinion of the community and our land-use policies. Let's turn the lights off, and find ways to capture the economic benefits that a dark sky has to offer.

Douglas Conner
Yachats

Proposed Yachats Lighting Ordinance

ellington.larry@gmail.com <ellington.larry@gmail.com>

Sun 12/13/2020 1:36 PM

To: Yachats City Planner <Planner@YachatsMail.org>; lancebloch1@gmail.com <lancebloch1@gmail.com>;
Planning Commission Chair - Helen Anderson <Happydogs27@gmail.com>

December 13, 2020

To: Planning Commission

From: Larry Ellington & Caroline van Wagtendonk
841 Ocean View Dr.

RE: Proposed Lighting Ordinance

We remain hopefully optimistic that marine lighting will be prohibited by the new lighting ordinance.

On Ocean View Dr, between Marine Drive and 7th St. we count seven marine lights (plus wiring for one on a house under construction) – three are located on the shoreline bank, and four are mounted on houses above the eaves.

Curfew

Recent discussions about delaying the removal of existing marine lights for an extended period of time (i.e. over a year) reinforces the need for a marine light curfew during the interim period. The current draft includes curfew language, but given our experience with lights along Ocean View Dr., we find that lights are sometimes turned off at night and then turned back on in the wee hours of the morning. While the current language may address this, it would be better to make it clear for code enforcement. (We found this proposed language in state and county regulations in Hawaii.)

A suggested change, if existing marine lighting is proposed to continue for a period of time after ordinance adoption:

“ 2. Marine lighting existing previous to the enactment of this ordinance must be:

a. Turned off *between 10:00 PM and sunrise*, and

b. Removed within one year of the enactment of this ordinance.”

Adobe and Overleaf

We reviewed the Adobe's and the Overleaf's website and Facebook comments and see no marketing focus related to their marine lighting (aka security lighting). They neither mention the lights nor have pictures of the lights on their websites.

We found regulation language (again in Hawaii) that related to condo-hotels on the shoreline that addressed specific security/safety concerns of this type of use. For this shoreline use, shielded security lighting can be installed along the shoreline, provided the light extends no more than 30 feet beyond the shoreline/bank. This type of lighting might meet the needs of a specific commercial use and advance the community's interest in light control.

Thanks for your time,

Larry and Caroline

Re: New home purchase on Ocean View Drive (existing lights pointed at surf in back yard)

Michael Lebofsky <michaellebofsky@yahoo.com>

Tue 12/29/2020 9:20 AM

To: Yachats City Planner <Planner@YachatsMail.org>

Cc: Lisa Lebofsky <lisamlebofsky@gmail.com>

Public comment on **marine lighting**:

I believe a reasonable personal property approach would include a curfew (perhaps 11pm) and a duration limit (perhaps 3 hours).

I believe a reasonable business property approach would include a curfew (perhaps 11pm).

Mike Lebofsky

Property Owner on Ocean View Drive

On Monday, December 28, 2020, 02:14:35 PM MST, Yachats City Planner <planner@yachatsmail.org> wrote:

Michael,

I am available tomorrow. Feel free to call 541-924-8420.

The proposed updates will be discussed at the City Council Meeting on January 20th, 2021.

Thank you,
Justin Peterson

Contract Planner *for*
Oregon Cascades West Council of Governments

EMAIL:

Planner@Yachatsmail.org

OFFICE PHONE:

Yachats: 541-547-3565

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From: Michael Lebofsky <michaellebofsky@yahoo.com>

Sent: Friday, December 25, 2020 8:23 AM

To: Yachats City Planner <Planner@YachatsMail.org>



TO PRESERVE THE MAGNIFICENT DARK SKIES OF
OREGON AND DIMINISH LIGHT POLLUTION FOR THE
HEALTH, SAFETY AND WELL-BEING OF ALL LIFE

December 30, 2020

W. John Moore, Mayor of Yachats

Dear Mayor Moore:

We applaud the recent efforts by the City of Yachats to address and minimize intrusive and overly-bright exterior lighting at night. In support of your efforts, we wish to bring to your attention a large and growing body of research on the deleterious impacts of light pollution on both diurnal and nocturnal birds, fish, amphibians, mammals and plants, as well as on human health. A number of peer-reviewed research papers (abbreviated list in Appendix below) demonstrate the adverse impacts of artificial light at night on marine and intertidal ecosystems as well as the ocean seafloor.

The Oregon Chapter of the International Dark-Sky Association was formed two years ago. We are excited to be part of an international community working to protect one of our planet's most valuable and most threatened natural resources—our night skies. Our goal is to encourage the use of thoughtful, well-designed lighting that simultaneously prioritizes safety and vibrance on the ground, while minimizing energy-wasting light pollution across Oregon.

As we transition into 2021, we are increasing our outreach and communication efforts. We are expanding our [network of dark sky quality measurements](#), supporting the nomination of [International Dark Sky Places throughout our state](#), building enthusiasm about Oregon's astro-tourism industry, and working with more public, private and government organizations on dark sky preservation initiatives.

Please feel free to reach out to us anytime. We are happy to be a resource and we look forward to working with you to preserve and protect Oregon's superb night skies while diminishing light pollution for the health, safety and well-being of all life.

Thank you,

Board of Directors of IDA Oregon

Bill Kowalik, PhD
Chairperson
bill.kowalik@darksky.org

Michael McKeag
Chapter Director
michael.mckeag@darksky.org

Cathie Flanigan
Treasurer
cathie.flanigan@darksky.org

Mary Coolidge
Board Member
mary.coolidge@darksky.org

www.darkskyoregon.org
<https://www.instagram.com/darkskyoregon/>
[Facebook: International Dark Sky Association - Oregon Chapter](#)

Cc:

Yachats City Council, City Manager, City Planner, Planning Commission
YachatsNews.com
IDA Oregon Board of Directors

Appendix – Selected research papers and news reports on the impact of artificial light at night on marine ecosystems

Artificial light pollution at night (ALAN) disrupts the distribution and circadian rhythm of a sandy beach isopod (2019)

<https://www.sciencedirect.com/science/article/abs/pii/S0269749118352503?via%3Dihub>

Coastal urban lighting has ecological consequences for multiple trophic levels under the sea (2017)

<https://www.sciencedirect.com/science/article/abs/pii/S0048969716322045?via%3Dihub>

The nature, extent, and ecological implications of marine light pollution (2014)

<https://esajournals.onlinelibrary.wiley.com/doi/abs/10.1890/130281>

Mapping the consequences of artificial light at night for intertidal ecosystems (2019)

<https://www.sciencedirect.com/science/article/pii/S0048969719332693>

Coastal Cities leave up to 75% of seafloor exposed to harmful light pollution (2020)

<https://www.nature.com/articles/s41598-020-69461-6>

<https://phys.org/news/2020-07-coastal-cities-seafloor-exposed-pollution.html>

<https://www.scientificamerican.com/article/light-pollution-from-coastal-cities-reaches-seafloor/>

Coastal light pollution disturbs marine animals, new study shows. (Source: Night-time lighting alters the composition of marine epifaunal communities (2015))

<https://royalsocietypublishing.org/doi/10.1098/rsbl.2015.0080>

<https://www.sciencedaily.com/releases/2015/04/150429090144.htm>

University of Washington: Marine Protected Areas Aren't Safe From Light Pollution (2015) (Source: Davies, T.W. et al. 2015. Stemming the tide of light pollution encroaching into Marine Protected Areas.

<https://conbio.onlinelibrary.wiley.com/doi/full/10.1111/conl.12191>.)

<http://www.conservationmagazine.org/2015/06/marine-protected-areas-arent-safe-from-light-pollution/>

Forbes: Light Pollution Causes Risky Behavior In Fish (2018)

<https://www.forbes.com/sites/fionamcmillan/2018/09/23/light-pollution-causes-risky-behavior-in-fish/#37428f5f1270>

Light Pollution Identified As Potential Issue For Threatened Puget Sound Chinook Salmon (2018)

http://www.knknx.org/post/light-pollution-identified-potential-issue-threatened-puget-sound-chinook-salmon?utm_source=Sightline%20Institute&utm_medium=web-email&utm_campaign=Sightline%20News%20Selections

Artificial Lighting at Night in Estuaries—Implications from Individuals to Ecosystems (2018)

<https://link.springer.com/article/10.1007/s12237-018-0479-3>

Yachats Night Lighting & Marine Ecosystems

wsk412@sbcglobal.net <wsk412@sbcglobal.net>

Wed 12/30/2020 2:36 PM

To: Mayor <Mayor@YachatsMail.org>

Cc: Max Glenn <Max@YachatsMail.org>; Jim Tooke <Jim@YachatsMail.org>; Leslie Vaaler <Leslie@YachatsMail.org>; Mary Ellen O'Shaughnessey <MaryEllen@YachatsMail.org>; Shannon Beaucaire <citymanager@YachatsMail.org>; Yachats City Planner <Planner@YachatsMail.org>; happydogs27@gmail.com <happydogs27@gmail.com>; lancebloch1@gmail.com <lancebloch1@gmail.com>; jac.danos@gmail.com <jac.danos@gmail.com>; lorendickinson@gmail.com <lorendickinson@gmail.com>; corchard@peak.org <corchard@peak.org>; office@yachatsyardscapes.com <office@yachatsyardscapes.com>; YachatsNews@gmail.com <YachatsNews@gmail.com>; 'IDA Oregon' <idaoregon@darksky.org>

 1 attachments (169 KB)

note_to_Yachats_night_lighting_marine_environment.pdf;

W. John Moore, Mayor of Yachats,

The Oregon Chapter of the International Dark-Sky Association applauds the recent efforts by the City of Yachats to address and minimize intrusive and overly-bright exterior lighting at night.

In support of your efforts, we have prepared the attached letter which gives some background on our organization and lists a number of peer-reviewed research papers on the adverse impacts of artificial light at night on marine ecosystems.

We are happy to be a resource. Please feel free to reach out to us at any time.

Thank you,

Board of Directors of IDA Oregon

Bill Kowalik, PhD

Chairperson

Oregon Chapter of International Dark-Sky Association

bill.kowalik@darksky.org

www.darkskyoregon.org

<https://www.instagram.com/darkskyoregon/>

[Facebook: International Dark Sky Association - Oregon Chapter](#)

Justin Peterson

From: Mary Coolidge <mcoolidge@audubonportland.org>
Sent: Wednesday, January 20, 2021 9:14 PM
To: Justin Peterson; cityhall@mailtyachatsoregon.org
Subject: Questions from City Council Lighting Ordinance discussion today

Hello Justin,
I just listened to the Lighting Ordinance discussion from today's Yachats City Council meeting.

Some questions that you can perhaps help me with:

- Reference was made to a staff memo on the draft lighting ordinance. Is the staff memo public? If so, can you share it?
- Reference was made to several questions and comments that the City Attorney provided. Are those public?
- Reference was made to comments from someone named John Purcell. Can I see those comments as well?
- I'm trying to understand who the current City Councilors and Planning Commissioners are and the City website does not seem to be current. Can you by chance provide me a current list?
- Sounds like there is already a nuisance ordinance in code language (5.08.165A) that addresses light trespass. Can you tell me whether there is any precedent for enforcing it?
- Have the streetlights in Yachats been converted to LED or are they still HPS?

Thank you for your help!
All the best,
Mary

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Mary Coolidge
BirdSafe and Non-Lead Campaign Coordinator
Portland Audubon
[Bird Safe Buildings program](#)
[Take the Pledge to go Lights Out!](#)
[Watch the Science on Tap Case for Dark Sky Preservation](#)
503.866.3779 cell

Scientific information regarding the affects of artificial light at night on coastal biological ecosystems:

<https://www.sciencedirect.com/science/article/abs/pii/S0269749118335656>

Abstract

*The increase of global light emissions in recent years has highlighted the need for urgent evaluation of their impacts on the behaviour, ecology and physiology of organisms. Numerous species exhibit daily cycles or strong scototaxic behaviours that could potentially be influenced if natural lighting conditions or cycles are disrupted. Artificial Light Pollution at Night (ALAN) stands for situations where artificial light alters natural light-dark cycles, as well as light intensities and wavelengths. ALAN is increasingly recognized as a potential threat to biodiversity, mainly because a growing number of studies are demonstrating its influence on animal behaviour, migration, reproduction and biological interactions. Most of these studies have focused on terrestrial organisms and ecosystems with studies on the effects of ALAN on marine ecosystems being more occasional. However, with the increasing human use and development of the coastal zone, organisms that inhabit shallow coastal or intertidal systems could be at increasing risk from ALAN. In this study we measured the levels of artificial light intensity in the field and used these levels to conduct experimental trials to determine the impact of ALAN on an intertidal fish. Specifically, we measured ALAN effects on physiological performance (oxygen consumption) and behaviour (activity patterns) of "Baunco" the rockfish *Girella laevis*, one of the most abundant and ecologically important intertidal fish in the Southeastern Pacific littoral. Our results indicated that individuals exposed to ALAN exhibited increased oxygen consumption and activity when compared with control animals. Moreover, those fish exposed to ALAN stopped displaying the natural (circatidal and circadian) activity cycles that were observed in control fish throughout the experiment. These changes in physiological function and behaviour could have serious implications for the long-term sustainability of fish populations and indirect impacts on intertidal communities in areas affected by ALAN.*

<https://www.annualreviews.org/doi/10.1146/annurev-ecolsys-110316-022745#:~:text=Artificial%20nighttime%20lighting%20can%20influence,wavelength%20light%3B%20West%20et%20al.>

Annual Review of Ecology, Evolution, and Systematics

Vol. 48:49-68 (Volume publication date November 2017)

<https://doi.org/10.1146/annurev-ecolsys-110316-022745>

Abstract

The use of artificial lighting to illuminate the night has provided substantial benefits to humankind. It has also disrupted natural daily, seasonal, and lunar light cycles as experienced by a diversity of organisms, and hence it has also altered cues for the timings of many biological activities. Here we review the evidence for impacts of artificial nighttime lighting on these timings. Although the examples are scattered, concerning a wide variety of species and environments, the breadth of such impacts is compelling. Indeed, it seems reasonable to conclude that the vast majority of impacts of artificial nighttime lighting stem from effects on biological timings. This adds support to arguments that artificial nighttime lighting has a quite pervasive and marked impact on ecological systems, that the rapid expansion in the global extent of both direct illuminance and skyglow is thus of significant concern, and that a widespread implementation of mitigation measures is required.



Mapping the consequences of artificial light at night for intertidal ecosystems

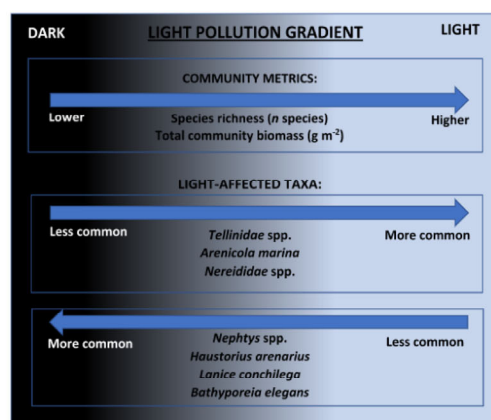
Matthew J. Garratt, Stuart R. Jenkins, Thomas W. Davies *

School of Ocean Sciences, Bangor University, Menai Bridge LL59 5AB, UK

HIGHLIGHTS

- Our coasts are increasingly polluted by artificial light at night (ALAN).
- We studied the potential effects of ALAN in an intertidal sandy shore ecosystem.
- Macrofaunal community structure significantly changed across a gradient in ALAN.
- 47% of non-rare taxa displayed significant relationships to illuminance.
- Relationships with key environmental drivers were accounted for.

GRAPHICAL ABSTRACT



ARTICLE INFO

Article history:

Received 4 February 2019

Received in revised form 10 July 2019

Accepted 11 July 2019

Available online 12 July 2019

Editor: Julian Blasco

Keywords:

Artificial light at night
Illuminance
High pressure sodium
Intertidal ecosystems
Sandy shore
Macroinvertebrates
Community structure

ABSTRACT

Widespread coastal urbanization has resulted in artificial light pollution encroaching into intertidal habitats, which are highly valued by society for ecosystem services including coastal protection, climate regulation and recreation. While the impacts of artificial light at night in terrestrial and riparian ecosystems are increasingly well documented, those on organisms that reside in coastal intertidal habitats are less well explored. The distribution of artificial light at night from seaside promenade lighting was mapped across a sandy shore, and its consequences for macroinvertebrate community structure quantified accounting for other collinear environmental variables known to shape biodiversity in intertidal ecosystems (shore height, wave exposure and organic matter content). Macroinvertebrate community composition significantly changed along artificial light gradients. Greater numbers of species and total community biomass were observed with increasing illumination, a relationship that was more pronounced (increased effects size) with increasing organic matter availability. Individual taxa exhibited different relationships with artificial light illuminance; the abundances of 27% of non-rare taxa [including amphipods (Amphipoda), catworms (*Nephtys* spp.), and sand mason worms (*Lanice conchilega*)] decreased with increasing illumination, while 20% [including tellins (*Tellinidae* spp.), lugworms (*Arenicola marina*) and ragworms (*Nereididae* spp.)] increased. Possible causes of these relationships are discussed, including direct effects of artificial light on macroinvertebrate behaviour and indirect effects via trophic interactions. With increasing light pollution in coastal zones around the world, larger scale changes in intertidal ecosystems could be occurring.

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* Corresponding author.

E-mail addresses: osu470@bangor.ac.uk (M.J. Garratt), sjenkins@bangor.ac.uk (S.R. Jenkins), thomas.davies@bangor.ac.uk (T.W. Davies).

1. Introduction

Today around a quarter of the Earth's surface is polluted by artificial light at night (Falchi et al., 2016), originating from industry, residential areas and transportation networks (Bennie et al., 2014; Gaston et al., 2015). A wide range of ecological impacts of this pollution have been identified, including effects on physiology (Navara and Nelson, 2007; Dominoni et al., 2013), navigation (Tuxbury and Salmon, 2005; Rodríguez et al., 2012), reproductive behaviour (Jokiel et al., 1985; van Geffen et al., 2015), predation success (Santos et al., 2010; Underwood et al., 2017), community structure (Davies et al., 2012; Bolton et al., 2017) and ecosystem services (Lyytimäki, 2013).

With widespread coastal urbanization, the impact of artificial light at night on marine ecosystems has become a topic of increasing concern (Becker et al., 2013; Davies et al., 2014; Davies et al., 2016; Bolton et al., 2017). 75% of the world's megacities (populations >10 million) are now located in coastal regions (Luijendijk et al., 2018), and >22% of shorelines worldwide are light-polluted (Davies et al., 2014). The effects of artificial light on shallow marine species, including fish (Becker et al., 2013), amphipods (Navarro-Barranco and Hughes, 2015) and sessile invertebrates (Davies et al., 2015), have been documented in recent years. The consequences of lighting intertidal habitats – which provide valuable ecosystem services globally (Costanza et al., 1997; Barbier et al., 2011) and are likely most exposed among marine ecosystems to light pollution – have more recently become a focus for research (Luarte et al., 2016; Duarte et al., 2019).

Daily, monthly and seasonal natural light cycles play an important role in intertidal ecosystems, synchronising mass spawning and hatching events, partitioning feeding and swimming activity, and regulating migrations (Jansson and Källander, 1968; Forward, 1986; Robles et al., 1989; Naylor, 2001). Species interactions across trophic levels are also guided by light availability, determining the timing and success of predatory activity and the ability of prey to avoid predation (Viherluoto and Viitasalo, 2001; Santos et al., 2010; Underwood et al., 2017). Perhaps most importantly, intertidal invertebrate larvae are guided by light during settlement site selection, which determines subsequent survival and reproductive success (Thorson, 1964; Davies et al., 2014). These key ecological processes that shape intertidal ecosystems are likely affected by light pollution from streets, promenades, piers, jetties, harbours and marinas (Davies et al., 2014). Recent data has demonstrated strong evidence of artificial light impacts including reduced activity and growth rates on individual species that reside in sandy shores (Luarte et al., 2016; Duarte et al., 2019), which are the most widespread of intertidal ecosystems (Brown and McLachlan, 2002), with potential larger scale implications for macroinvertebrate assemblages. The consequences of artificially lighting beaches for the structure and composition of intertidal macroinvertebrate communities, however, remain unquantified.

We mapped the exposure of intertidal organisms in a sandy shore ecosystem to artificial light from High Pressure Sodium promenade lighting, and demonstrate for the first time its consequences for intertidal macroinvertebrate community composition and structure.

2. Methods

2.1. Summary

Ground level night-time artificial illuminance (Lux) was measured across Llandudno West Shore beach in North-West Wales, UK (53.320°N, 3.846°W) and the data used to produce a 6 m resolution light map. Macroinvertebrate communities, sediment grain size (a good proxy of wave exposure [Burt et al., 2010]), and organic matter content were sampled at low, mid and high shore elevations across a gradient in illumination parallel to the shoreline. The relationships between response variables (macroinvertebrate community composition, species richness, species dominance, the total number of individuals, total community biomass, and the presence of individual taxa) and

artificial light exposure were quantified accounting for potentially collinear gradients in shore height, median grain size and organic matter concentration.

2.2. Study site

This study was conducted at Llandudno West Shore Beach, a west-facing, macrotidal, sandy beach on the North Wales coast. The northern half of the shore is illuminated by adjacent High Pressure Sodium promenade lighting such that gradients of decreasing illumination are established from high to low shore, and north to south (Fig. 1). The site contains two fish-tail groynes, the larger of which (Gogarth Breakwater) brackets the northern limit of the shore.

2.3. Light mapping

Ground level illuminance was mapped at night at 6 m resolution across 4 transects parallel to the shore (at approximately 0, 40, 100 and 200 m from the sea wall) using a Skye® LUX sensor logging every 5 s. Measures were GPS linked so that a prediction surface map of illuminance could be interpolated from the data using an exponential kriging model in ArcGIS. The light data was collected between 12:30 and 2:30 am on the 11th of June 2018 during a new moon to avoid moonlight interference.

2.4. Shore sampling

One macroinvertebrate and two sediment samples were extracted from 54 sampling stations across the measured illumination gradient along horizontal transects (approximately 900 m in length) at three shore heights representative of the full gradient of zonation (Fig. 1). Each transect occupied a 50 cm elevation zone, relative to Ordnance Datum Newlyn: high shore (1 to 1.5 m), middle shore (−0.25 to 0.25 m) and low shore (−1.5 to −1 m); and contained 18 sampling stations positioned randomly within 40 m intervals along the transect. Sampling was undertaken either side of the smaller groyne to control for effects of potentially collinear variables known to influence community composition (grain size and organic matter content) (Bull et al., 1998; French and Livesey, 2000; Walker et al., 2008; Fanini et al., 2009). 89% of the samples (16 stations on each transect) were collected over 3 consecutive days (20th–22nd June 2018), with the final 11% collected 10 days later on a day with comparable weather conditions, using the same equipment and consistent methods. All sampling was undertaken at low/retreating tide.

At each station a macroinvertebrate sample (0.1 m² to 0.2 m depth) was dug and wet sieved through a 1 mm mesh, and two small sediment cores (0.008 m² to 0.2 m depth) were extracted for grain size and organic matter content analysis. Macroinvertebrate samples were preserved in 70% Industrial Methylated Spirit with rose bengal pending lab analysis, and all specimens were identified to the lowest practicable taxonomic resolution, counted and weighed. One sediment sample from each station, after washing and drying, was shaken for 15 min through a stack of brass sieves with decreasing mesh sizes (4 mm, 2 mm, 1 mm, 500 µm, 250 µm, 125 µm, 63 µm). The remaining sediment in each sieve was weighed, and median grain size was calculated using GRADISTAT v 8.0 (Blott and Pye, 2001). The remaining sediment samples were dried and then heated in a muffle furnace at 450 °C for 4 h to burn off any organic matter, with the resulting differences in the weights of the samples used to calculate organic matter concentrations (Cambardella et al., 2001).

2.5. Statistical analysis

Data analysis was performed using R statistical software. The relationship between macroinvertebrate community composition and artificial light exposure (ground-level illuminance) was examined using a

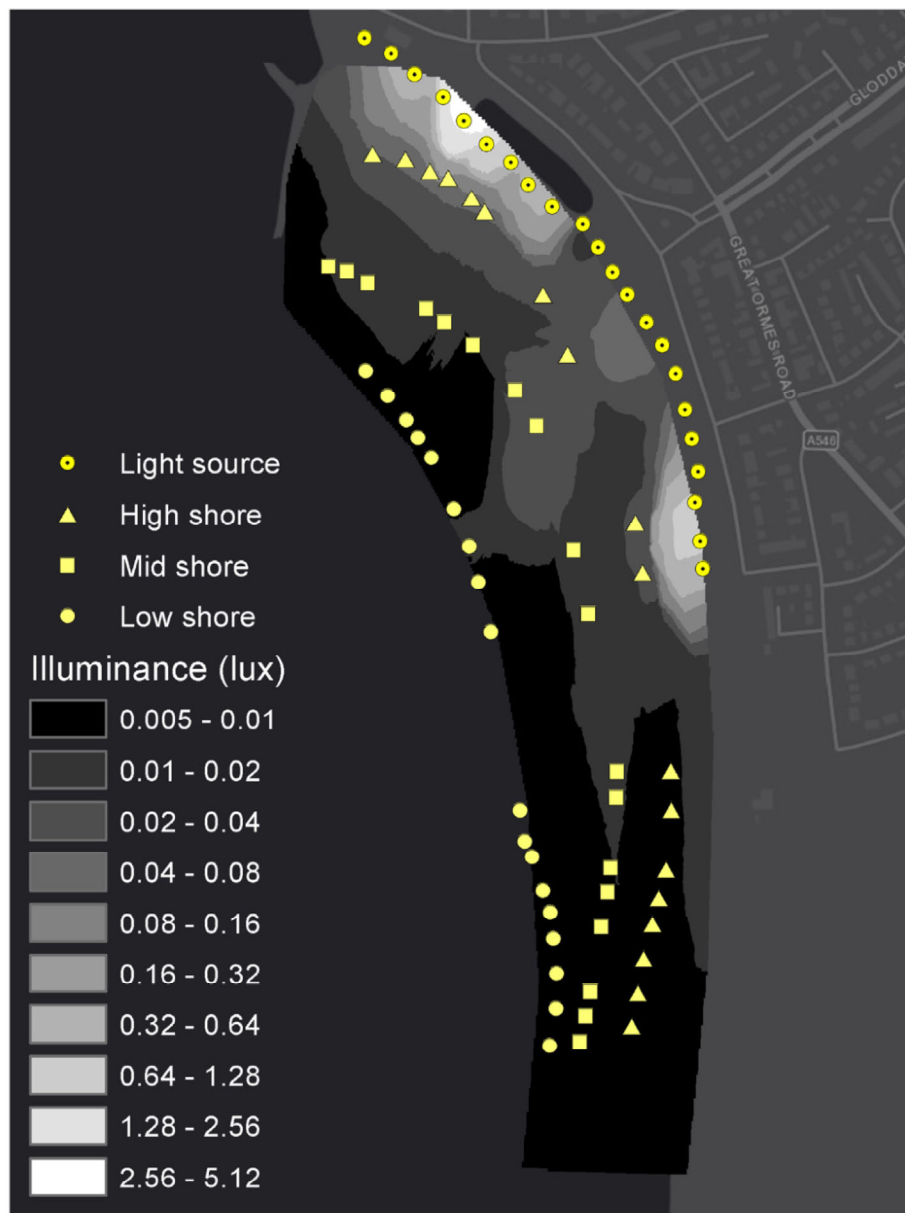


Fig. 1. The distribution of artificial light at night from High Pressure Sodium promenade lighting across Llandudno West Shore Beach, North Wales.

permutational multivariate analysis of variance (adonis, CRAN: [vegan](#)), performed on Bray-Curtis dissimilarity matrices calculated from log-transformed species abundance and biomass, accounting for shore height, particle size and organic matter. All first order effects and second order interactions with light were included in the model.

The relationships between macroinvertebrate community metrics (total number of individuals [$n\ m^{-2}$], total biomass [$g\ m^{-2}$], species richness [species count] and species dominance [$1 - \text{Pielou's evenness}$]) and environmental variables (artificial illuminance, shore height, particle size, organic matter) were quantified using multiple regression models fitted using either spatially autocorrelated mixed effects models (corrHLfit, CRAN: [spaMM](#)) or generalised linear models with appropriate error distributions where spatial autocorrelation was not identified in the response variable of interest (determined using Mantel tests).

Model selection (model.sel, CRAN: [MuMIn](#)) was used to compare the small-sample-size corrected values of Akaike's Information Criterion (AIC) of a series of candidate regression models, including the global model ($\sim \text{illuminance} * \text{shore height} + \text{illuminance} * \text{particle size} + \text{illuminance} * \text{organic matter}$), all possible nested models of the

global model, and a null ($\sim \text{intercept only}$) model (Table 2). The most parsimonious models were tested for significance by comparing to a null model using a likelihood ratio test. Where the most parsimonious models were significantly different from the null, and included the illuminance predictor variable, the significance of this variable was further tested using a likelihood ratio test comparing the model with a nested model in which the illuminance variable was omitted. If the model included a second order effect of illuminance, the significance of the effect was determined by testing the model against itself but with the interaction removed.

The relationships between the abundances of individual macroinvertebrate species and environmental variables were also examined using multiple regression model selection, as previously described, identifying the most parsimonious model for each species and testing the significance of illuminance when present as a predictor variable. The abundances of rarer species were summed by genus or family (Table 3) to reduce zero inflation. Analyses were performed on numerical abundance data for taxa present in >50% of samples, and presence-absence data for taxa present in <50% of samples, with appropriate error

distributions fitted in each case. Any taxa that were present in <10% of the samples were deemed too rare to be reliably incorporated in the analysis.

3. Results

The light data displayed an exponentially decreasing gradient in illuminance from high to low shore adjacent to the lamp-posts (Fig. 1), ranging from 5 lx on the promenade, equivalent to a typical residential side street (Gaston et al., 2013), to 0.006 lx, with the lowest values found in the far south and on the low shore directly next to Gogarath Breakwater. Median grain size on the intertidal shore ranged from 142 to 169 μm (fine sand), with the organic matter concentration of the sediment between 0.3 and 0.9%. Gradients in grain size and organic matter were not collinear with illuminance (variance inflation factor [VIF] values <3).

The beach contained an abundance of intertidal macroinvertebrates (median: 180 $n\text{ m}^{-2}$), with a total of 1984 individuals collected, representing 45 species and 26 families. The macroinvertebrate assemblages on the shore predominately consisted of crustaceans (70%), polychaetes (26%) and bivalves (3%) [percentages by abundance]. There was no significant difference in the structure of the community sampled between different survey days, with regard to abundance ($F_{(3,50)} = 1.29$, $p = 0.29$), biomass ($F_{(3,50)} = 0.84$, $p = 0.48$), species richness ($F_{(3,50)} = 1.84$, $p = 0.15$) or species dominance ($F_{(3,48)} = 0.94$, $p = 0.43$).

Macroinvertebrate community composition across the shore was significantly related to the degree of exposure to artificial light at night, accounting for other environmental variables (shore height, particle size and organic matter), and regardless of whether abundance or biomass was used (n individuals m^{-2} : $F_{(44,53)} = 2.26$, $p < 0.05$; $g\text{ m}^{-2}$: $F_{(44,53)} = 2.52$, $p < 0.01$; Table 1).

Artificial illuminance (lux) was included in the most parsimonious models describing the species richness and total community biomass of macroinvertebrates (Table 2). The relationship between light and these responses was modulated by organic matter content (Species richness: $\chi^2 = 46.90$, $p < 0.01$; Biomass: $\chi^2 = 8.42$, $p < 0.01$). The selected model (Lux * Organic) described significantly more of the variability in these responses compared to a null (~intercept only) model (Species richness: $\chi^2 = 81.56$, $p < 0.01$; Biomass: $\chi^2 = 2.72$, $p < 0.001$). Species richness and biomass (Fig. 2) increased with increasing illuminance; relationships that became more positive with increasing organic matter availability (Fig. 3). The cumulative abundance and species dominance of the macroinvertebrate community were not strongly related to artificial light exposure, with the illuminance model (~Lux) describing no more variation in the responses than the null model (Abundance: $\chi^2 = 0.56$, $p = 0.11$; Dominance: $\chi^2 = 0.01$, $p = 0.67$).

Out of the 15 common taxa of macroinvertebrates found on the shore, the abundances of 7 taxa (47%) displayed significant

Table 1

The relationship between macroinvertebrate community composition and artificial light exposure from High Pressure Sodium promenade lighting in a sandy shore ecosystem. Permutational multivariate analysis of variance was performed on Bray-Curtis dissimilarity matrices calculated from log-transformed species abundance and biomass data. The tested model included first order effects of all physical variables, and interactions with illuminance. Results that are significant at the 95% confidence level or greater are underlined.

Predictor	Community composition response			
	Abundance		Biomass	
	$F_{(44,53)}$	p	$F_{(44,53)}$	p
Illuminance (lux)	2.26	<0.05	2.52	<0.01
Shore height	5.97	<0.001	3.71	<0.001
D50 (μm)	1.90	0.089	1.98	<0.05
Organic matter (%)	3.10	<0.01	2.33	<0.01
Lux:Shore height	1.50	0.120	1.35	0.117
Lux:D50	0.74	0.589	1.39	0.139
Lux:Organic	1.23	0.321	1.62	0.076

Table 2

Selection of the most parsimonious models describing how macroinvertebrate abundance ($n\text{ m}^{-2}$), biomass ($g\text{ m}^{-2}$), species richness (species count) and species dominance ($1 - J'$) vary with exposure to High Pressure Sodium promenade lighting, and other physical variables in a sandy shore ecosystem. AICc values of the most parsimonious models are underlined and bold.

Model	AICc			
	Abundance ^a	Biomass ^a	Richness ^b	Dominance ^c
Lux * Shore height + Lux * D50 + Lux * Organic	67.8	58.5	269.4	−24.4
Lux * Shore height + Lux * Organic	63.0	55.8	266.5	−20.4
Lux * D50 + Lux * Organic	74.6	50.2	259.9	−21.9
Lux * Shore height + Lux * D50	63.4	60.3	267.8	−25.3
Lux * Shore height	59.6	61.3	267.4	−16.8
Lux * D50	78.4	53.2	262.0	−17.2
Lux * Organic	70.8	49.5	256.8	−17.7
Lux	76.5	54.4	260.2	−9.8
Shore height + D50 + Organic	58.0	60.4	264.2	−26.7
Shore height + D50	59.3	59.2	261.7	−23.3
Shore height + Organic	55.5	62.5	265.5	−26.1
Shore height	56.9	62.3	263.1	−21.3
D50 + Organic	72.6	62.9	266.4	−24.1
D50	75.5	61.3	264.3	−19.6
Organic	72.1	62.3	265.0	−19.0
Null	76.8	61.6	262.9	−11.6

^a Gaussian GLM performed on $\log_{10}(x + 1)$ transformed data.

^b Gaussian GLM performed on raw data.

^c Poisson GLM performed on raw data.

relationships with artificial light exposure accounting for other environmental variables (Table 3). Four of these taxa decreased in either abundance or probability of occurrence with increasing illuminance, including amphipods (*Bathyporeia elegans* and *Haustorius arenarius*), catworms (*Nephtys* spp.) and sand mason worms (*Lanice conchilega*), while the remaining 3 taxa increased in probability of occurrence with increasing illuminance: *Tellinidae* spp., *Arenicola marina* and *Nereididae* spp. (Fig. 4).

4. Discussion

Macroinvertebrate community composition is known to be affected by artificial light at night in a variety of ecosystems, including terrestrial ground-dwelling communities (Davies et al., 2012; Davies et al., 2017; Manfrin et al., 2017), sessile marine epifaunal communities (Davies et al., 2015; Bolton et al., 2017) and riparian ecosystems (Meyer and Sullivan, 2013). To our knowledge the results presented here represent the first evidence of artificial light altering macroinvertebrate community structure and composition in a sandy shore ecosystem. Macroinvertebrate assemblages in sandy shore habitats - which make up around 75% of the world's ice-free coastlines (Brown and McLachlan, 2002) - are critical to ecosystem functioning and connectivity. They contribute to sediment aeration, facilitating organic matter mineralisation and nutrient cycling, form planktonic linkages between distant habitats, and provide important resources for top consumers such as birds and fish (Brauns, 2008; Schlacher et al., 2008).

Our study found changes in the community composition, species richness and cumulative biomass of macroinvertebrates that were related to the level of exposure to artificial light pollution from adjacent High Pressure Sodium promenade lighting with illuminances equivalent to residential side streets (Gaston et al., 2013). While our study was limited to one shore line, the relationships between macroinvertebrate community descriptors and artificial illumination were quantified accounting for key structural drivers in intertidal ecosystems (shore elevation, and wave exposure), which are also strongly linked with groyne proximity, hence we are confident that the results presented constitute evidence of artificial light impacts in the focal study system.

The effects of anthropogenic structures such as groynes on sandy shore ecosystems are well established (French and Livesey, 2000;

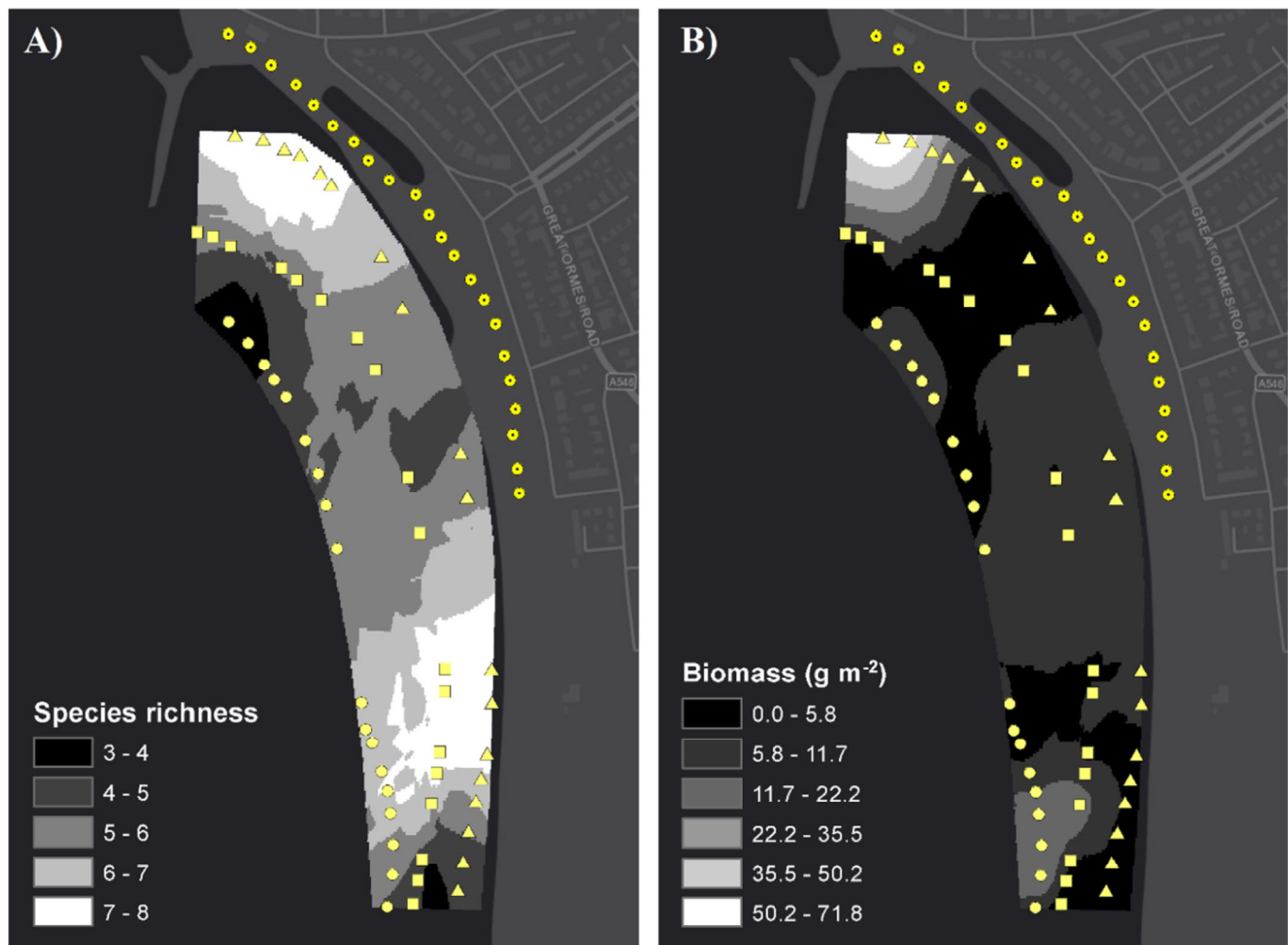


Fig. 2. Macroinvertebrate community structure metrics that were significantly related to artificial light exposure from High Pressure Sodium promenade lighting: A) species richness (species count); B) cumulative biomass (g m^{-2}).

Martin et al., 2005; Walker et al., 2008; Fanini et al., 2009). Reduced wave exposure on the intertidal shore due to sheltering by anthropogenic structures often leads to changes in the sediment characteristics of the beach with regard to particle sizes and organic content, which in turn drive changes in macroinvertebrate assemblages (Martin et al., 2005; Rodil et al., 2007; Walker et al., 2008). These effects were given careful consideration during study design, and controlled for by sampling either side of the groyne structures, and in the analysis by including median grain size and organic matter content as candidate variables during the model selection procedure. We are therefore confident that the results reported here are not artefacts of groyne effects.

47% of non-rare taxa were individually found to either increase or decrease in abundance (or the probability of occurrence) with increasing illumination, accounting for shore height and sediment characteristics, including common intertidal species such as polychaetes (*Nephtys* spp., *Janice conchilega*, *Arenicola marina*, *Nereididae* spp.), amphipods (*Bathyporeia elegans*, *Haustorius arenarius*) and bivalves (*Tellinidae* spp.). Although the mechanisms responsible for these relationships are uncertain, there are a range of possible explanations based on the known influences of light in intertidal systems, which encompass direct effects of artificial light on macroinvertebrate life cycles, and indirect effects due to trophic interactions.

Multiple aspects of marine macroinvertebrate reproductive biology are guided by natural light cues, including synchronised broadcast spawning, larval phototaxis, and recruitment (Thorson, 1964; Bentley et al., 2001; Naylor, 2001). The adult stages of mobile marine

macroinvertebrates can also be highly photosensitive with taxa displaying both positive and negative phototaxis (Tranter et al., 1981; Del Portillo and Dimock Jr, 1982; Adams, 2001). Marine amphipods, for example, are known to be strongly attracted to artificial lights (Meekan et al., 2001; Hughes and Ah Yong, 2016), with assemblages of subtidal amphipods aggregating in halogen light traps with intensities equivalent to average levels of coastal light pollution (Navarro-Barranco and Hughes, 2015). As is the case for many taxa displaying this aggregation response (for example Lepidoptera, Araneae and Coleoptera), the mechanism of disruption remains unclear. Orientation using the lunar and solar compass is, however, common in some intertidal amphipod species (Ugolini et al., 2005; Ugolini et al., 2012), and artificial light disruption of this compass is plausible.

As with many other groups (Rydell, 1992; Becker et al., 2013), aggregation in illuminated areas will increase the vulnerability of intertidal macroinvertebrates to predation. Increases in the abundance of predators as a result of artificial light has been previously reported in a variety of ecosystems and species, from coastal fish (Becker et al., 2013) to bats (Rydell and Racey, 1995) and ground-dwelling insects and arachnids (Davies et al., 2012), and can lead to significant changes in the composition of prey communities within illuminated areas (Bolton et al., 2017). In the same manner that bats target moths and other flying insects around streetlights (Rydell, 1992; Acharya and Fenton, 1999; Minnaar et al., 2015), wading birds are attracted to the nocturnal foraging opportunity posed by light-polluted intertidal shores (Santos et al., 2010). Taking advantage of artificial illumination, these birds alter

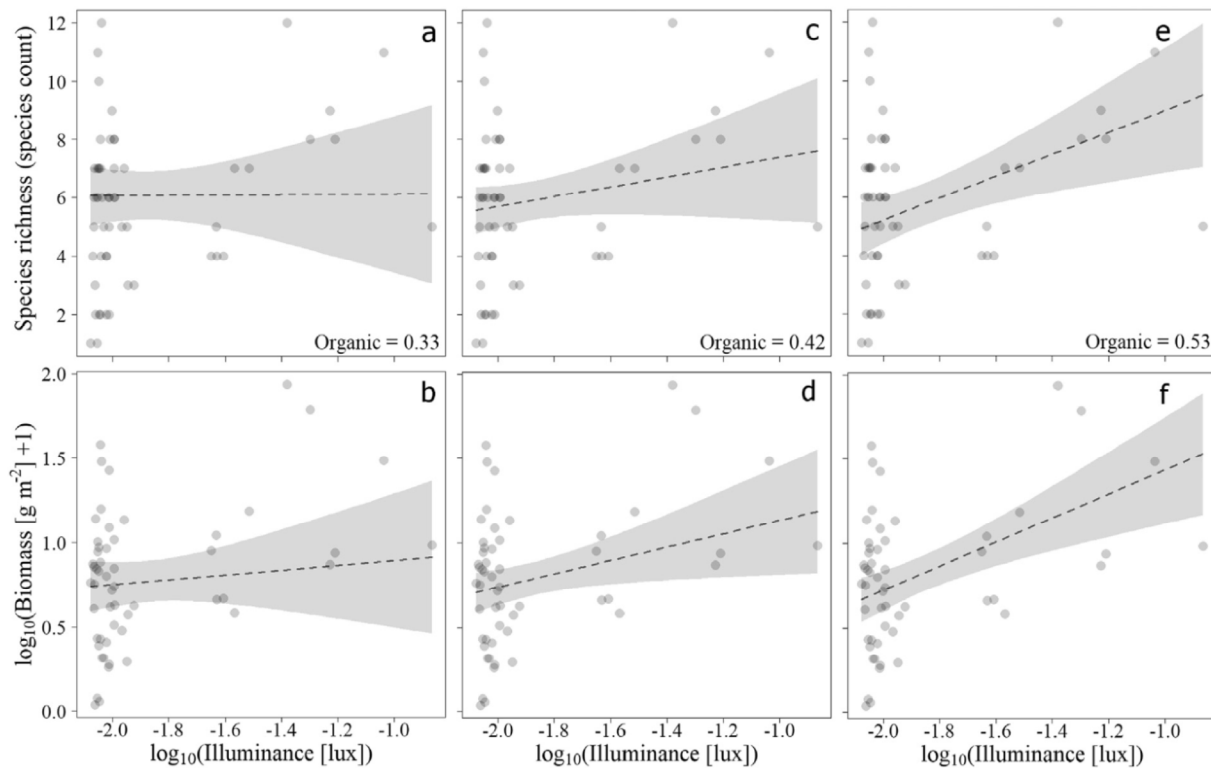


Fig. 3. The effects of artificial light at night from High Pressure Sodium lighting on macroinvertebrate species richness and biomass at high (a–b), medium (c–d), and low (e–f) organic matter content in a sandy shore ecosystem. Relationships (dashed lines) are presented from the most parsimonious generalised linear models (Table 2) which included artificial light exposure and were significantly different from a null (intercept only) model. A significant interaction between artificial light exposure and organic matter content was present in both cases, presented here using the lower quartile, median and upper quartile values of organic matter concentration (%). Grey regions indicate the 95% confidence intervals of these relationships.

their feeding strategy from tactile to sight-based foraging (Dwyer et al., 2013), displaying increased intake rates of macroinvertebrate prey compared to non-illuminated regions (Santos et al., 2010).

The negative effect of artificial light exposure on the prevalence of amphipods (*Bathyporeia elegans* and *Haustorius arenarius*) in the current study, which constitute the prey of wading birds (Goss-Custard and Jones, 1976; Evans et al., 1980), could be due to light-attracted aggregations being targeted by foragers. Similarly, two polychaete taxa

also displayed negative relationships to artificial illuminance: catworms (*Nephtys* spp.) and sand mason worms (*Lanice conchilega*), which are two of the most common prey groups in the diet of intertidal foraging birds (Goss-Custard and Jones, 1976; Yates et al., 1993; Petersen and Klaus-Michael, 1999).

Intertidal macroinvertebrates are known to be threatened by a variety of anthropogenic pressures, such as coastal development, pollution discharge and climate change (Brown and McLachlan, 2002; Schlacher

Table 3

Examining the relationships between the abundances of common macroinvertebrate taxa and exposure to High Pressure Sodium promenade lighting in a sandy shore ecosystem. Commonality is defined as the percentage of samples individual taxa were found in. The percentage contribution of each taxon to the total abundance and biomass of the macroinvertebrate community is also displayed, along with the formula of the most parsimonious model describing those predictor variables which shaped either the abundance or presence of each taxon. Taxa affected by artificial light underlined.

Taxon	Proportion of samples (%)	Proportion of abundance (%)	Proportion of biomass (%)	Model formula
<i>Nephtys</i> spp. ^a	70.4	8.7	9.9	Lux * Organic + D50
<i>Bathyporeia pilosa</i> ^a	66.7	49.9	4.0	Shore height
<i>Spionidae</i> spp. ^b	50.0	4.8	3.6	Shore height
<i>Orbiniidae</i> spp. ^b	37.0	2.4	7.5	Null
<i>Crangon crangon</i> ^b	35.2	2.6	1.5	Organic
<i>Tellinidae</i> spp. ^b	35.2	2.3	14.3	Lux * Organic + D50
<i>Lanice conchilega</i> ^b	33.3	6.4	4.8	Lux + Organic
<i>Bathyporeia elegans</i> ^b	25.9	3.8	0.2	Lux + Shore height
<i>Haustorius arenarius</i> ^b	24.1	2.7	2.8	Lux * Organic
<i>Phyllodoctidae</i> spp. ^b	22.2	0.8	0.04	Shore height
<i>Eurydice pulchra</i> ^c	18.5	10.5	1.2	Shore height
<i>Cerastoderma edule</i> ^b	14.8	0.7	34.1	Null
<i>Arenicola marina</i> ^b	13.0	0.5	11.9	Lux
<i>Nereididae</i> spp. ^b	13.0	1.2	1.7	Lux
<i>Semellidae</i> spp. ^b	11.1	0.4	0.01	Null
Sum	NA	97.6	97.6	NA

^a Poisson GLM performed on raw abundance ($n\ m^{-2}$) data.

^b Binomial GLM performed on presence/absence data.

^c Spatially autocorrelated binomial model (corrHilfit) performed on presence/absence data.

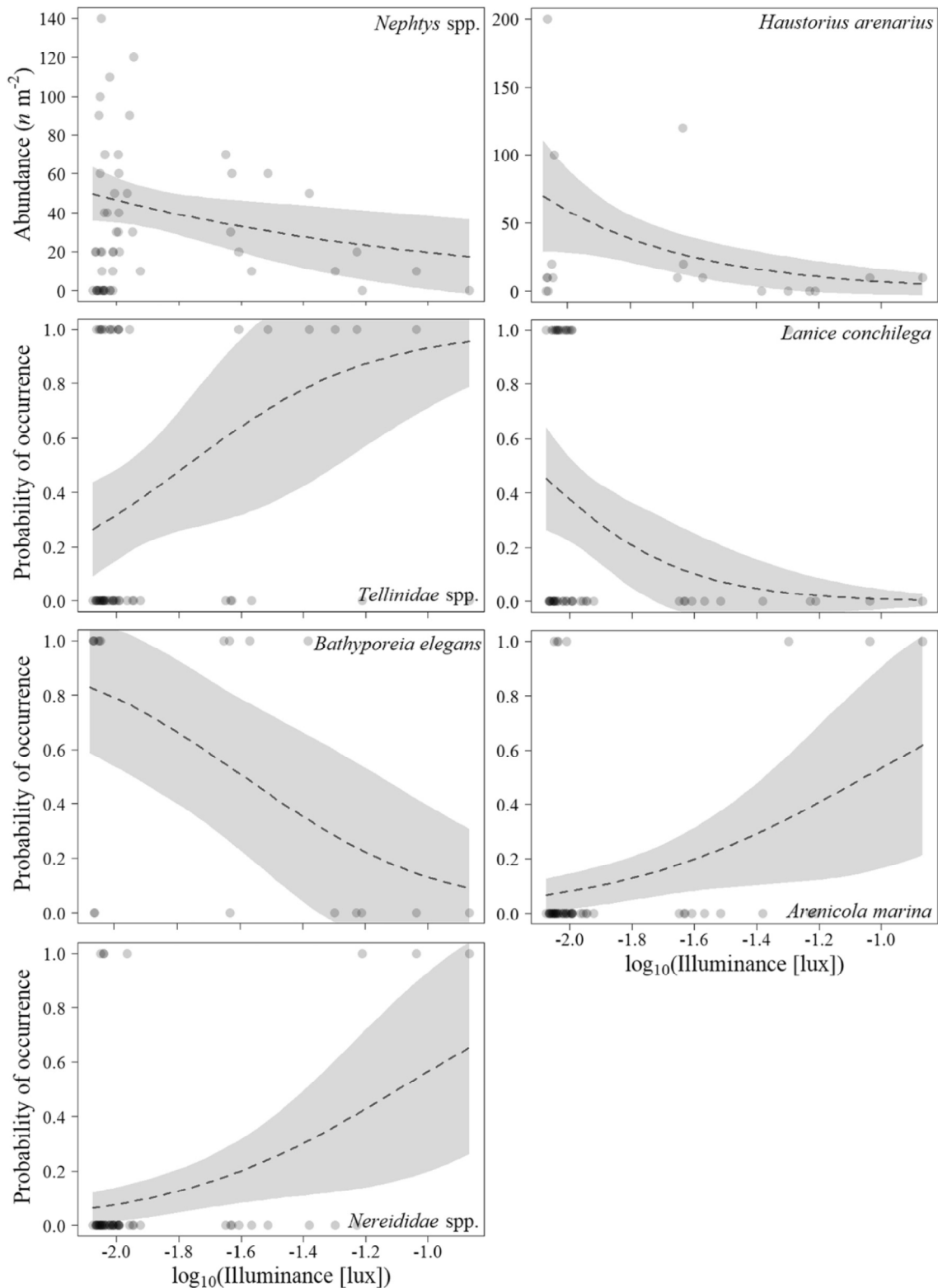


Fig. 4. Intertidal macroinvertebrate taxa with abundances or occurrences significantly related to artificial light at night from High Pressure Sodium promenade lighting in a sandy shore ecosystem. The relationship between artificial light exposure and each abundance measure (dashed lines) were identified as the most parsimonious generalised linear models that were significantly different from a null (intercept only) model. Grey regions indicate the 95% confidence intervals of these relationships. *Nephtys* spp. and *Haustorius arenarius* were analysed using Poisson GLMs performed on abundance data, while binomial GLMs performed on presence/absence data were used for the remaining taxa.

et al., 2007; Defeo et al., 2009). However the impact of artificial light pollution remained unconsidered until recent years (Luarte et al., 2016; Duarte et al., 2019). This study demonstrates that artificial light pollution can alter intertidal macroinfaunal communities in sandy beach

ecosystems. With 75% of the world's megacities located near coastlines (Luijendijk et al., 2018), the potential for widespread artificial light at night in coastal regions (Davies et al., 2014) to alter the biogeographical distributions of intertidal organisms is clear. It may prove possible to

reduce these impacts by limiting the period, intensity and dispersal of lighting, as well as altering the types of lights used and their spectral composition (Gaston et al., 2012; Rajkhowa, 2012).

Acknowledgements

The research leading to this publication was supported by the European Regional Development Fund through the Welsh Government [grant number 80761-BU-134 awarded to T.W.D.], and the Natural Environment Research Council [grant number NE/S003533/1 awarded to T.W.D and S.J.]. Our thanks to Dr. Dei Huws and the technical staff at the School of Ocean Sciences for providing laboratory resources and any necessary training.

CRediT author statement

Matthew J. Garratt: Methodology, Formal Analysis, Investigation, Writing-Original Draft, Visualisation. **Stuart R. Jenkins:** Writing-Review & Editing, Supervision, Project Administration, Funding Acquisition. **Thomas W. Davies:** Conceptualization, Methodology, Formal Analysis, Writing-Review & Editing, Visualisation, Supervision, Project Administration, Funding Acquisition.

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Environment • Planet Earth

Why Dark Sky Tourism Is Catching On

By [Michael d'Estries](#) Updated December 16, 2019



An individual silhouetted against a backdrop of stars in Queensland, Australia. (Photo: [Dualiti Photos](#) [CC by 2.0]/Flickr)



In the fight to protect natural wonders around the world from pollution, development and other man-made byproducts of our modern world, it's an overlooked fact that we're on the verge of losing one of our most enchanting. Even more ironic, it's not something that requires travel or tickets to experience. The



There are, however, efforts underway to protect what vestiges of the unspoiled night remain.

Organizations like the [International Dark-Sky Association \(IDA\)](#), which works with land owners and municipalities to protect vast areas under pristine dark skies for future generations, has to date designated 15 dark sky reserves around the world. The IDA has also designated over 65 smaller, but still impressive, [dark sky parks throughout the United States](#). As interest in astrotourism has increased, communities have also embraced their fortunate settings under starlight to offer stargazing tours, events around spectacles like solar eclipses and even rocket launch viewing parties.

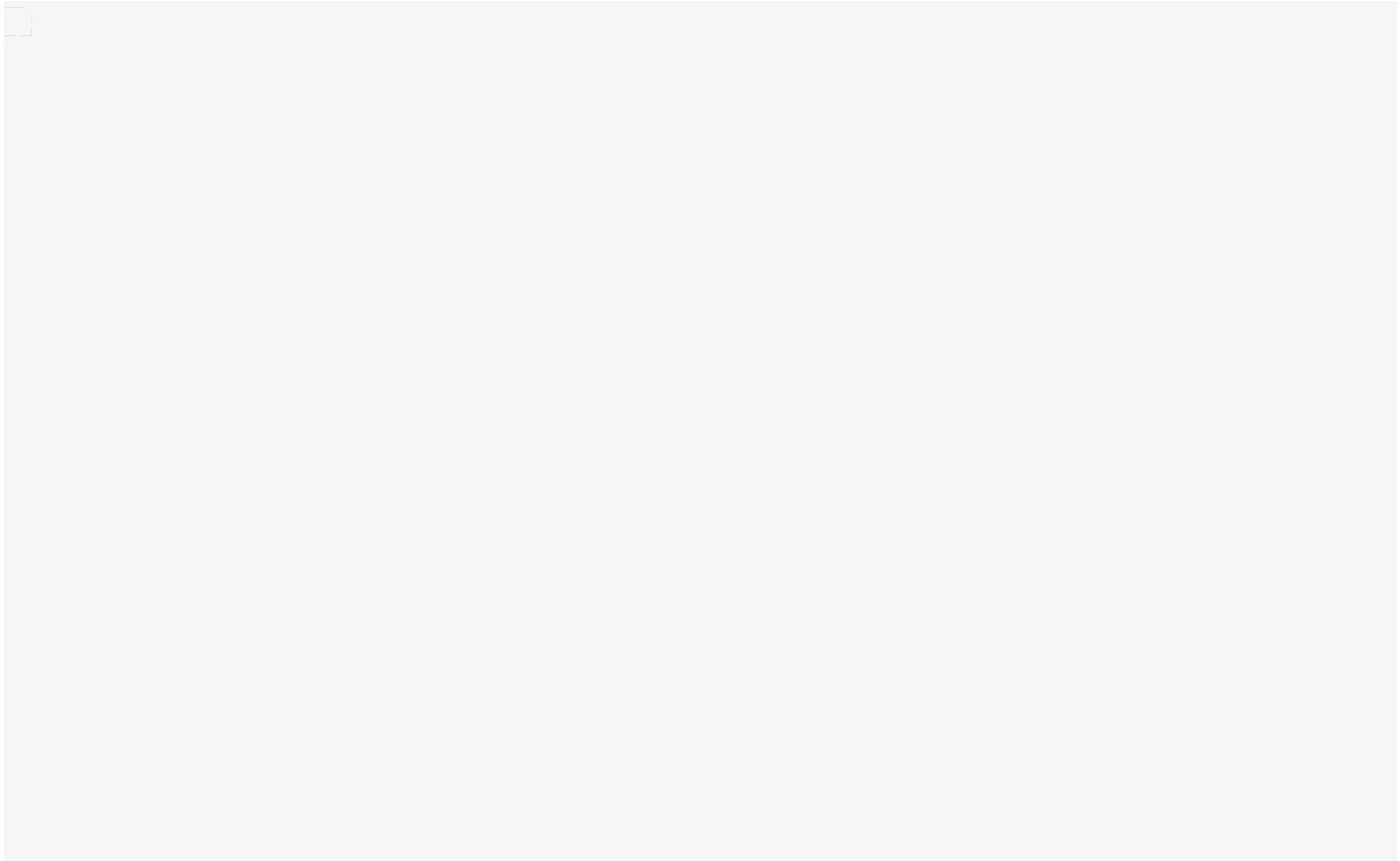
And now, thanks to travel writer and astrotourism guide Valerie Stimac, we have a single catalog of the opportunities available to look up in wonder at the heavens above. Her new book "[Dark Skies: A Practical Guide to Astrotourism](#)," not only features 35 of the darkest stargazing places around the world, but also highlights annual spectacles like meteor showers, the best place to catch the northern (or southern) lights, rocket launch sightseeing and even details on the major eclipses of the next decade and where to watch them.



The new Lonely Planet book 'Dark Skies,' by Valerie Stimac, offers an in-depth guide to the world of astrotourism.
(Photo: Valerie Stimac/Lonely Planet)



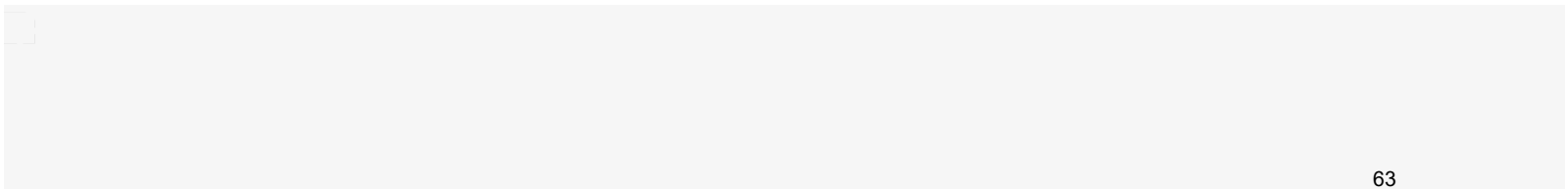
able to tackle the list of topics quickly to decide where we wanted to include and how to organize the book. After that, it was a lot of researching, writing, and working with sources around the globe!"



Valerie Stimac under a starry night sky. (Photo: Valerie Stimac)

Stimac, who chronicles her travels around the globe (and offers tips for those looking to do the same) through her site [Valerie & Valise](#), said she's deeply encouraged by interest across a lot of the different types of astrotourism.

"Obviously seeing rockets and the northern lights have always been popular; eclipse-chasing has grown more since the 2017 total solar eclipse too," she added. "Traveling for dark sky experiences is probably among the newest 'type' of astrotourism, and the International Dark-Sky Association has done a great job of generating excitement and interest in these locations – and showing how astrotourism is often a great complimentary activity for travel to spots that are also great natural destinations during the day."





Arches National Park, one of over 65 dark sky parks in the U.S. as designated by the International Dark-Sky Association, is a popular attraction for stargazers. (Photo: By Jun Su/Shutterstock)

While Stimac praised organizations like the IDA for doing a fantastic job of helping to protect pristine regions from encroaching light pollution, one of the biggest challenges faced is that astrotourism is still a young industry. "Not everyone is interested and/or willing to travel for these experiences," she shared.

Worse still, some areas lack both the financial and organizational resources to attract potential stargazers.

"Personally, I think the most endangered dark sky locations are those where there's no tourism infrastructure in place," she said. "For example, Wadi Rum in Jordan is a spectacular stargazing spot, but there's no CVB/DMO (Convention and Visitors Bureau/Destination Marketing Organization) there to help petition for dark sky designation status, so it's unlikely that development there will be done in a way that reduces light pollution.... and that will hurt the destination in the long run."

Joshua Tree National Park, California



The Milky Way rising over the rugged and rocky terrain of Joshua Tree National Park. (Photo: By Saptashaw Chakraborty/Shutterstock)

Designated a Dark Sky Park by the IDA in 2017, [Joshua Tree National Park](#) is a popular attraction for stargazers living on the west coast. Despite encroaching light pollution on its western borders from Coachella Valley cities, its relative isolation from major cities in the east (with Phoenix being the closest metropolitan area some 300 miles away), provides it with some of the darkest skies in California.

"While Joshua Tree National Park has an unfortunate amount of light pollution in the larger region, it's dark enough and such an otherworldly landscape that it's still an [unforgettable place to go stargazing](#)," Stimac said of the 790,000-acre park. "There's also a really low development footprint within the park so it's very quiet and isolated – totally like another planet or moon!"

Elqui Valley, Chile



A long exposure shot of the beautiful night sky above the Elqui Valley in Chile. (Photo: By Pung/Shutterstock)

A popular wine region centered on the Elqui River in northern Chile, the [Elqui Valley](#) also offers ideal conditions (high-altitude, low-population, limited cloud cover) for uncorking a bottle and toasting the heavens above. Spanning some 90,000 acres, the region has the distinction of being named the first-ever Dark Sky Sanctuary by the International Astronomical Union in 2015. It's also home to nearly a dozen observatories, boutique stargazing hotels and a large variety of tours that cover both cosmic and daytime spectacles.

"This was the first place I saw the southern night sky, and was amazed by how different the Milky Way and constellations look," said Stimac. "It was also a treat to see the Magellanic Clouds for the first time."

Wadi Rum, Jordan





been nicknamed "Mars on Earth."

"I'm partial to [Jordan](#) because I'm [leading a tour group here in March!](#)," said Stimac. "Wadi Rum is an incredible landscape too (used for a lot of sci-fi movies like 'Prometheus,' 'Rogue One' and 'The Martian') and it's one of the dark places where you can just sit and look up at the wonder of the night sky with very little interruption."



Environment

The World's 11 Certified Dark Sky Reserves, Where the Stars Run Riot



Space

19 Dark Sky Parks Where the Heavens Steal the Show



Outdoors

3 New Dark Sky Parks Reveal Wonders of the Night Sky



Space

The First Dark Sky Reserve in the U.S. Is a Stargazer's Paradise



Pollution

Why Dark Skies Matter

Pollution

5 Ways You Can Reduce Light Pollution

Space

**Stunning Photo Project Explores Our
Complex Relationship With the Night Sky**

Space

**33 Out-Of-This-World Images of the Milky
Way, Aurora Borealis and More**

Conservation

**These 2 Towns Have Dimmed Their Lights
to Show Off the Glorious Night Sky**

Environmental Policy

**Welcome to Niue, the First Country
Recognized as a Dark Sky Place**



Outdoors

International Dark Sky Park Opens in Michigan; Only 9 Others in the World

Pollution

England's 'Cosmic Census' Reveals Scale of Light Pollution

Travel

10 Unforgettable Desert Adventures

Pollution

Does an Empty Baseball Field Really Need Outdoor Lighting All Night?

Space

What to See in the Night Sky in 2020

Pollution

We're Losing the Nighttime Sky



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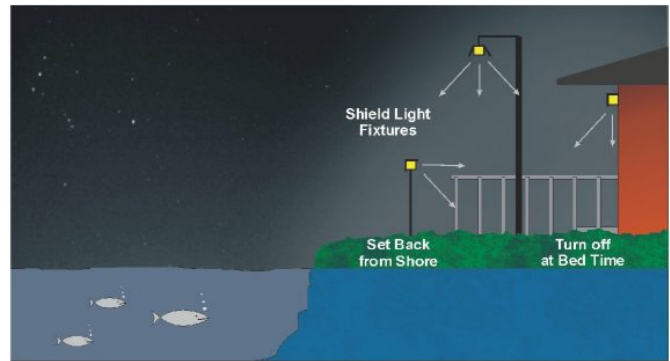
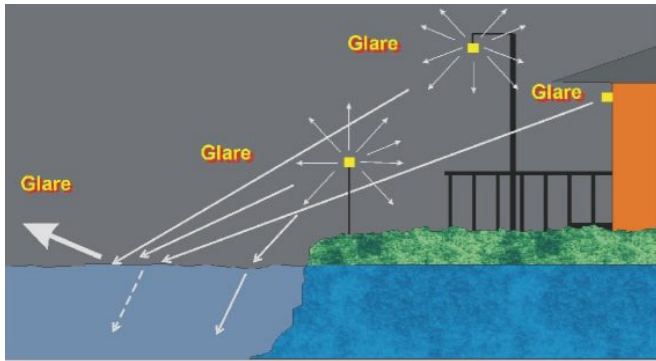
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The Bad and the Good
Shoreline Lighting



White Stone on Pathway
and Shielded Bollard

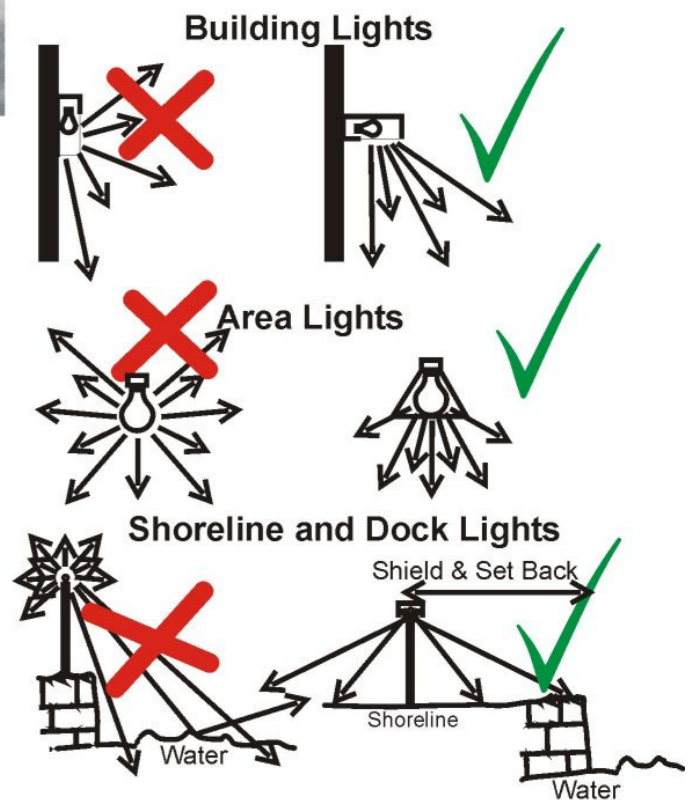
Use “Warm Light”
- not white light

Use Timers

- on at sunset
- off 2-hours later

Use Motion Sensors

- lights on only
when needed



Planning Commission Special Work Session: Lighting Ordinance

Purpose of the ordinance:

Why do we develop and put into effect ordinances such as the current lighting ordinance under discussion? In my humble opinion, it is in order to set in place rules and parameters around which a community develops in the hopes of maintaining the values and desires of the residents of the City. The municipal code was put in place as a mechanism to help our citizens to be able to easily understand what is allowed and what is not allowed within the built environment. I think that we all agree that our ordinances are not enacted to punish existing homeowners or businesses. The proposed lighting ordinance is being enacted in large part to protect rather than punish residents and so that new and remodelled construction projects now have parameters by which to design outdoor lighting.

Yachats doesn't differ from any developed small American town. Walking and driving around Yachats with John, who has 30 years in electrical lighting design and construction experience and who has offered to assist this commission, at least 85% of existing exterior light fixtures will not meet the requirements of our proposed ordinance. Should we pass the Ordinance, that does not mean that the code enforcement officer will be canvassing the community giving out notices of non-conformity. What the Ordinance will provide is a mechanism that the residents can cite to lodge a complaint about any light fixtures that are a nuisance. If a neighbor, whether it is a resident or a business, has a light shining into someone's home this ordinance will give teeth to helping alleviate the situation. Enacting the ordinance doesn't mean that suddenly every homeowner and business needs to change out every outdoor light fixture. Practically speaking, if the lighting isn't bothering anyone it will not need to be changed.

section 9.42.040 D. Marine Lighting prohibited or curfew or alternative lights?

By definition, "marine lighting" means exactly that - marine lighting. Whether the lights shine far out onto the ocean or in close on the rocky shore the stated purpose of marine lighting is to light the natural environment. Any light fixture that is directed off of the coastline is marine lighting, does nothing with regards to safety and should not be allowed. Attached are a few examples of the scientific data regarding artificial light at night and the marine environment, including near shore shallow waters.

The ***Yachats Vision Statement*** begins with "***Our village is a place where natural resources are valued and protected, ...***". Decades of research has shown how harmful artificial light is for the natural environment on land and is now beginning to find evidence of the harm done along the shorelines as well. If Yachats truly believes in the Vision Statement, then marine lighting needs to be disallowed.

In response to the use of flood lights that are used as both marine , pathway lighting and for safety :

If clear paths for safe walking are the issue then the best lighting, as well as the least intrusive, are low pathway lights that illuminate the pathway rather than everything else around it. At night human beings' eyes have evolved to adjust to the lower level of light from moonlight. Human visual abilities degrade starting at about the age of 40 so bright white light causes glare and difficulty seeing. Bright lights cause shadows that can create hazards rather than alleviating them. Brightly lighting an area also gives a false sense of security which leads people to walk where they might not otherwise go, such as too close to an edge, thinking they can see much better than they actually can. Lighting the pathway itself, and only the pathway, will help keep people from wandering off into more dangerous areas.

If safety is related to crime prevention, then once again too much light and glare creates places where people might feel much safer than they actually are. Shadows where criminals can hide become an issue. Bright lights also spotlight a possible target giving a criminal someone to interfere with and then

run off into the shadows. Cameras do nothing unless they are constantly monitored. Again, a false feeling of safety.

So much of the planet suffers from light pollution that most children have never seen the Milky Way. This has led to a tourism boom in night sky viewing. Rather than continuing to cater to a single element of the tourism industry it would benefit our community to reach out to this new tourist and turn off the marine lights, which are damaging, and encourage people to visit Yachats for the chance to enjoy the night sky.

section 9.42.050 B 1 Should we further justify, or change the higher lumen limits for Multi-family housing?

A separation of types of residential light, for the purpose of this ordinance, could be that single family residential and duplex developments (R-1, R-2 & R-3) meet the same requirements and multifamily (R-4) developments have a slightly higher lumen allowance because they will most likely share common walkways and areas.

section 9.42.060 Mary Ellen was concerned about liability issues. Perhaps we should expand on the variance section to say that if compliance producers a (such as cost), or a concern about liability for inadequate lighting, a property owner may apply...

This ordinance does not limit lighting to such an extent that liability issues would arise. Safety has been discussed throughout the development of this ordinance. In actuality there are times when too much light can be a liability as well. The safety of guests is the responsibility of the business. If a business believes that their customers require lighting to navigate their property, we certainly allow that; we simply have parameters around what those lights should be in order to avoid trespass, glare, and sky glow. Navigating pathways, parking lots and marine lighting are different kinds of illumination challenges with different kinds of needs, safety parameters and liabilities.

section 9.42.070 A 1 The requirement for compliance within 48 hours/30 days was suggested to be lengthened to 14 days/60 days because of the time required to order items on line.

That's fine. A *slight* extension seems reasonable.

Costs associated with compliance:

If the council believes that due to the pandemic our businesses need more time to comply with the ordinance, we would recommend extending the deadline and have the complaint mechanism be the way to reach compliance of existing lighting upon enacting the ordinance. If a resident or business receives a complaint regarding trespass lighting, glare or excessive sky glow and it is deemed an actionable complaint, then the lighting will need to be brought into compliance within the 60-day(?) period.

To Planning Commission for discussion – JGD Response to the Adobe letter:

Community input:

At the recent public meeting on the Lighting Ordinance there seemed to be many more people who wanted marine lighting regulated or disallowed. There have been letters as well. There has also been an overwhelmingly positive response to creating a lighting ordinance in general due to the interest in eliminating excess sky glow and allowing night sky viewing in general. One newly elected council member specified during the campaign wanting Yachats to adopt a dark sky ordinance which would definitely disallow the marine lighting currently in use.

Examples Ecological effects:

From: APRIL 28, 2015

Coastal light pollution disturbs marine animals, new study shows

by University of Exeter

Dr Stuart Jenkins of the School of Ocean Sciences at Bangor University said: "This is an important first step in developing understanding of the way artificial light may be affecting marine coastal assemblages. Our research showed that levels of artificial light, commonly found in urbanized and developed coastal areas, can have important effects on the development of communities inhabiting hard surfaces in shallow water."

Dr Thomas Davies from the University of Exeter highlighted how historically overlooked the impacts of light pollution on coastal ecosystems has been, saying: "There has been a surge of research into the impacts of artificial lighting on land animals and plants over the last six years, but the influence on coastal animals of lights from harbors, marinas, piers and promenades has received very little attention. Understanding how to manage ecosystems to improve biodiversity gains is as important in the built marine environment as it is in our city parks, gardens, streets, rivers and canals. This study highlights that night-time lighting in coastal cities can impact biodiversity on rocky shores popular with beachgoers that enjoy the diversity of life they offer year round."

Safety along the 804 and pathways:

Just as was discussed with the Fireside and Overleaf, pathway lights would do a better job lighting the path for people walking without creating sky glow for the rest of the community. There is no need for flood lights. There are options available and there will be a year's time to switch them out.

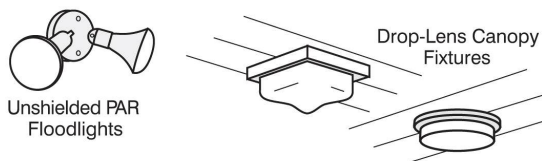
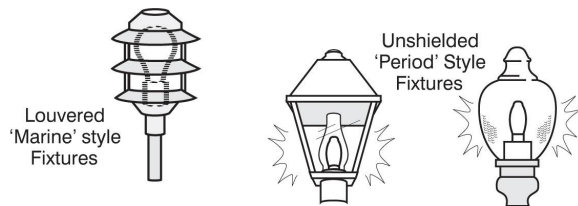
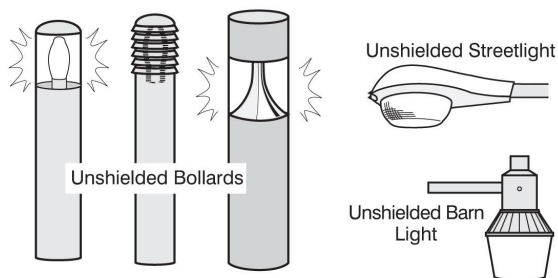
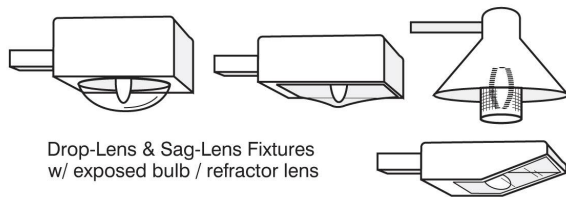
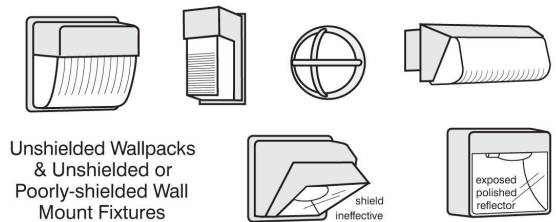
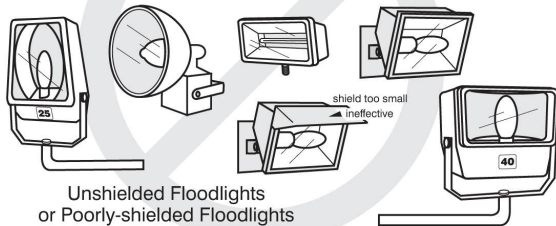
If it is decided that these properties are allowed to continue the lighting we should give specific types of lights to be used rather than simply allowing the continued use of existing flood lights. Here is a link for one example: <http://www.csbg.ca/>



Examples of Acceptable / Unacceptable Lighting Fixtures

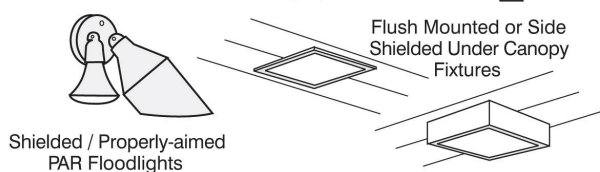
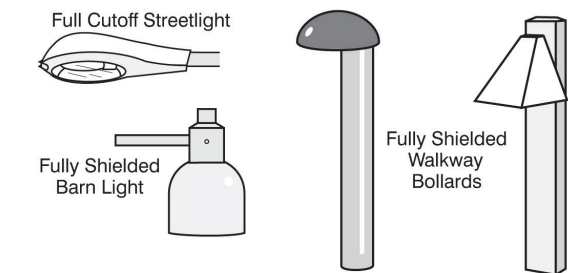
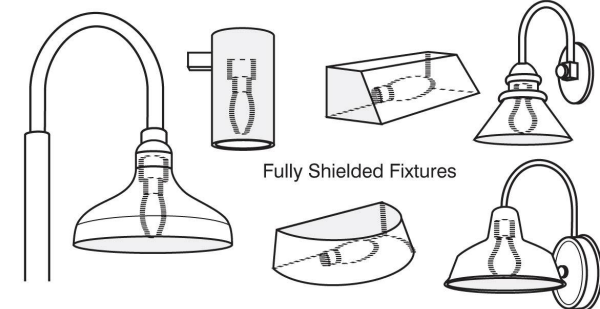
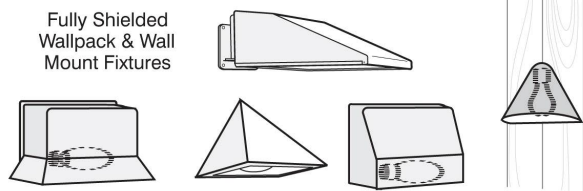
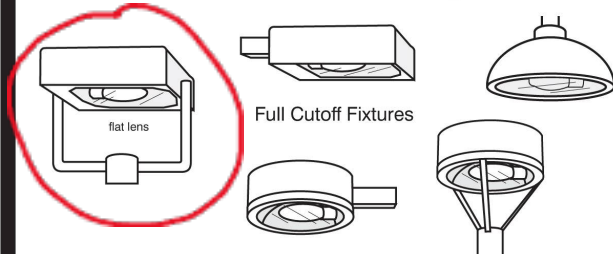
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission.

This from the Canadian Scotobiology (the study of darkness on biology) group:

On a Budget?

You do not have to spend a lot of money to reduce your impact on the night. Here are a few tips, and why they work.

Cover pathways with white crushed stone (limestone or dolomite)

We see the ground with the light it reflects. If you use asphalt, less than 10% of the light is reflected. If it's a dirt path, then the soil will reflect about 20% of the light - about the same as grass. But crushed stone reflects about 80%. So, you can use much less light for the same visibility. In addition to using less light, a stone surface is easily repaired, and rainwater will drain through rather than forming puddles.

White paint on woodwork.

There are a few critical features that we NEED to see: steps and handrails - so make them obvious. White paint reflects almost all the incident light. So paint the edges of the step and sides of the railing. They will be much more prominent with only a small flashlight. You can also paint the edges of stone steps. You will be able to notice them under starlight.

Retro-reflective materials

This is similar to the idea of white paint. We can mount retro reflective materials in isolated places: posts, trees, rocks, etc. to mark their location. They will appear to “glow” when illuminated by a small flashlight and will stand out against the darker background.

Use “Bug Lights”

Bug Lights get their name because they don't attract flying insects as much as white light. You can get these in the form of incandescent, CFL or LED bulbs. They don't emit much blue light, which makes the light look amber. However the CFL and LED bulbs may be “too bright”, so although the illuminated path won't attract bugs, the brightness of the lamp will. To reduce this, the lamps should be shielded so the glare won't attract the insects. You may still be able to get some low wattage incandescent bulbs (<25W).

Filter the white light

White light is the mix of all colours, but the blue component is the “ecological disruptor”. To make a white lamp acceptable, block the blue light with a filter. I show how well one filter works here. This Roscolux #15 Deep Straw filter can be purchased from [BH Photovideo](#). I am sure there are others, but this is the one I found first.

Phosphorescent materials

These materials store up the light energy during the day and re-emit it at night. If the material is thick enough (5 mm) it may glow for the entire night. It has a slight greenish colour. This material is also used as escape lighting along the floor of aircraft, but it is quite thin and doesn't glow for very long. I have seen these at the Mont-Mégantic Observatory and AstroLab facility (Quebec). They are formed into small “pucks” about 4cm in diameter, and help delineate the roadway. They work very well but may be hard to find commercially.

Leave it dark

As strange as it may seem, it may be safer to leave an area dark. Light attracts attention and raises curiosity. If there is a place where you don't want people to go at night - keep it dark. Most animals know that anonymity is the best security.

Mark a spot?

What is it you would like to do? Marking a spot or location doesn't need a flood light. A VERY small low-power lamp will work. This will be enough for you to get your bearings. Consider the “morning”, or “evening” star. It appears as a brilliant “spark” in the sky. It's actually the planet Venus, but my point is that it is VERY easy to see. Its “luminance” is 1 cd/m², which doesn't mean much for most people. But a single LED powered by only a few milliwatts will produce this light. You DON'T need a 10W commercial light fixture.

Illuminate an area

If you want to illuminate an area like a patio then you will need more light. A good way to select the right fixture is by using the power it consumes. A typical LED light fixture produces (very roughly) 100-lumens of light per watt. A CFL bulb produces about 80-lumens per watt. You need only 1-watt to illuminate a 10m² patio (~10-feet x 10-feet) to 10-lux with an LED. To put this into perspective, you can read at 2-3 lux. You DON'T need a 10W commercial light fixture unless you want your patio to be brighter than your living room, which will also attract all the bugs in the neighborhood.

Simply shield

If you do not want to buy an expensive lamp with a good shield, you can make your own for your current light. If you have a low power (<15W) LED or CFL bulb, you can even use cardboard. If you have an incandescent bulb then you should use metal, because most of the power goes into producing heat, which can char or burn a cardboard shield. [Here](#) and [here](#) are links to a couple of examples. I paint the cardboard and metal shields with white outdoor metal paint. It will protect the material for many years. These are also nice craft projects for your children and grandchildren, and will get them thinking about the environment and how to protect it.

LOREN

1. To possibly contact the hotels and see if a lighting curfew would be acceptable if the City were to give them some relief for time-to-comply, as you were suggesting. This could help start the negotiation process. If they say "no", then a completely different approach to the ordinance would be required.

2. A legal question: can the ordinance discriminate between residential properties and commercial (hotels) for conditions and times-to-comply as far as marine lighting is concerned? I believe there is such a distinction between the two that, if possible, each should have a regulation that better fits its conditions.

3. I am very concerned about the Adobe's threat to close off 804 access. This would be a catastrophe for the continuity of the Pacific Coast Trail, and the safety & convenience of those trying to walk the length of the 804. Walkers would have to detour all the way up to Hwy 101, and walk along that very dangerous situation to Aqua Vista Lp. If it could be found through further discussion with the Adobe as to how certain that threat is, it might be helpful.

LANCE

Code conflicts/concerns for Marine Lighting

1. Trespass Lighting 9.42.040B
2. Marine Lighting (damage to wildlife) 9.42.040 D
3. Lights above the eaves 9.42.040G
4. Nuisance lighting 5.08.165A

Because of conflicts with all of these ordinances Marine Lighting cannot be ignored in a lighting ordinance.

Discussed Solutions

1. Ban on new Marine Lighting.
2. Removal of installed Marine Lighting
 - a. in 1 year?
 - b. in 3 years?
 - c. in 5 years?
 - d. When repair/replacement is needed
3. Curfew
 - a. summer 11pm?
 - b. winter 9pm or 10 pm?
 - c. 10pm year around?
4. Modification to lights
 - a. replace with "non-blue lighting" to offer a softer yellow light
 - b. reduce lighting intensity (how much?)
 - c. change direction of lighting to not shine on marine life or neighbors property
5. Negotiations between City officials and Lodging representatives.
6. Combinations of any/all of the above.

HELEN

Marine Lighting definition adjusted to specify illumination of area beyond property line. This distinction circumvents any concerns around whether lighting is primarily security lighting or marine lighting.



1400 Queen Ave SE • Suite 201 • Albany, OR 97322
(541) 967-8720 • FAX (541) 967-6123

MEMORANDUM

DATE: October 20, 2020

TO: Planning Commission, City of Yachats

FROM: Holly Hamilton, Contract Planner
OCWCOG

RE: Hazard Mitigation and Lighting Ordinance
Proposed Comprehensive Plan Goals and Policies
Proposed Development Code Amendments

1. **Issue/Question:** Does the **Municipal Code** address lighting within the City of Yachats in a manner which supports the goals of the Comprehensive Plan?

Explanation: The Municipal Code currently addresses lighting minimally and without specificity; restricting exterior lighting directed to adjacent property (broadly defined by use).

See **Section 5.08.165 Exterior lighting**.

A. Exterior **lighting** shall not be directed from the property of the owner onto private residential or commercial property, streets, parklands, or other public properties.

The City of Yachats **Comprehensive Plan GOAL D *Conservation of Energy*** and **GOAL G *Control of Urban Growth and Form to sustain the small-town, ocean-side character of the Yachats Community*** support the addition of a comprehensive lighting strategy which requires energy efficient lighting standards and addresses the adverse effects of bright, outdoor lighting, light trespass and glare.

The Planning Commission initiated textual changes to YMC Title 9.0, Lighting Standards and Requirements, 9.42 as follows:

Code:

PART I

9.04.030 Definitions (Municipal Code)

PART II

9.42.010 Purpose
9.42.020 Definitions
9.42.030 General Lighting Requirements
9.42.040 General Standards
9.42.050 Standards Based on Use
9.42.060 Variances
9.42.070 Time to Become Compliant
9.42.080 Examples

The development of a comprehensive lighting ordinance pre-dates my arrival to the Planning Desk for the City of Yachats. Municipal lighting code research began in 2017 and has been reviewed through planning commission meetings and work sessions conducted during the last two years.

Comments from the community over the last two weeks have been largely positive, and those that contain questions for the Commissioners follow this report.

2. **Issue/Question:** Is the Yachats Comprehensive Plan and Municipal Code aligned with the Goals of the State to incorporate highest / best strategies for Hazard Mitigation?

Explanation:

The City of Yachats received a Coastal Resilience Grant from the Oregon Coastal Management Program for March through July 2020. The goal of the grant was to utilize best available data and resources to review and update portions of the **Yachats City Comprehensive Plan and Municipal Code**.

The resulting review effected new language / process for the protection of Yachats' natural resources.

Goal A:	Protection of Natural Resources (General)
Goal B:	Protection of Estuarine Resources
Goal C:	Protection of Shoreland Resources
Goal E:	Protection from Natural Hazards and Disasters, and
Goal L:	Beaches

and related **Municipal Codes:**

Sections	9.04.030	(Definitions)
	9.52.050	(Hazard Areas)
	9.52.100	(Older Stabilized dune construction)
	9.52.130	(Development on Beaches).

The City of Yachats held several work sessions including a City Council and Planning Commission joint work session on June 4th, a Planning Commission work session on July 7th, and a Planning Commission work session on July 21st.

Comments Summary:

Mr. Ellington and Ms. Van Wagtendonk

- Recommended - Reference to 5.08.165
- Requested clarification on compliance (fixture vs. bulb)

Ms. Erdhal

- Supporting the Ordinance generally

Mr. Brown

- Requested additional information, and I provided a link to the city's website

Ms. Macdonell

- Resides adjacent to the Dublin Motel – which has 4 very bright lights on their west elevation affecting approximately 10 homes. She is requesting that the motel address this issue.

Mr. Kent Naffziger

- Expressed general support for shielding
- Concern regarding brightness of LED lights

Mr. and Mrs. Nolans

- North Yachats
- Noted brightness of new streetlights
- Supports shielding of light fixtures
- Expressed concern with regard to the Adobe Motel Lighting and how it may affect marine life

Mr. Kemp

- Expressed concern about maximum allowable lumens per residence (for large residences)
- Clarification regarding applicability of variance applications vs. grandfathered in fixtures

November 10, 2020

To: Shannon Beaucaire, City Manager

From: Justin Peterson, Contract City Planner

Re: Draft Amendments Lighting

At the October 20, 2020 Planning Commission meeting the decision was made to continue the hearing to October 28, 2020. At the October 28, 2020 continued Planning Commission meeting, the Commission passed a motion to forward the attached recommended amendment to Yachats Municipal Code to City Council. The Planning Commission identified several changes that are noted in this memo to the lighting ordinance.

Issue/Question: Does the Municipal Code address lighting within the City of Yachats in a manner which supports the goals of the Comprehensive Plan?

Explanation: The Municipal Code currently addresses lighting minimally and without specificity; restricting exterior lighting directed to adjacent property (broadly defined by use).

See Section 5.08.165 Exterior lighting.

A. Exterior lighting shall not be directed from the property of the owner onto private residential or commercial property, streets, parklands, or other public properties.

The City of Yachats Comprehensive Plan GOAL D Conservation of Energy and **GOAL G** Control of Urban Growth and Form to sustain the small - town, ocean - side character of the Yachats Community supportst the addition of a comprehensive lighting strategy which requires energy efficient lighting standards and addresses the adverse effects of bright, outdoor lighting, light trespass and glare.

The Planning Commission initiated textual changes to YMC Title 9, Lighting Standards and Requirements, 9.42 as follows:

At the October 20, 2020 Planning Commission meeting several comments were provided by members of the public. The October 20, 2020 public hearing was continued to October 28, 2020.

The Planning Commission member amendments are listed below:

1. 9.04.030 Definitions

Foot-candle: A measure of luminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen per square foot. As an example, a ~~typical~~ 60-watt incandescent

light (800 lumens) produces an illuminance of one-tenth (0.1) foot candle at a distance of about twenty-five (25) feet.

2. 9.04.030

Individual Lot Limit: The maximum for the sum of all exterior individual light sources on a given property as enumerated in 9.42.050.A and 9.42.050.C.

3. 9.04.030 Definitions

Exterior Lighting: Lighting relating to the outside of a building or structure.

4. 9.42.040.E

Mercury vapor lamps, metal halide lamps, and low-pressure sodium lamps are prohibited.

5. 9.42.050.B.4 and 9.42.050.C.6 – change to read

Poles for luminaires shall be limited to:

- a. Sixteen (16) feet in height for parking lots.
- b. Ten (10) feet in height for walkways and pedestrian facilities.

6. 9.42.050.C.1 Distinguish residences in Commercial Zone

Commercial lots, when developed for commercial uses, shall not exceed limits on trespass lighting as specified in 9.42.040.B.

7. 9.42.050.C.5

High intensity lights shall be limited to two thousand four hundred (2,400) lumens per luminaire. Due to their high energy efficiency, long life, and spectral characteristics, narrow spectrum amber LED's are the preferred illumination source.

8. 9.42.070.A

A. The General Standards described in 9.42.030 and 9.42.040 require compliance within one year after the passage of this Ordinance.

1. When violations of 9.42.040 are cited by the enforcement officer and if the violation can be corrected by replacing an existing bulb with a lower intensity bulb, this corrective action is required to be implemented within forty-eight (48) hours after the citation. Other corrective actions are required to be implemented within thirty (30) days after the citation.

2. Marine lighting existing previous to the enactment of this ordinance must be:

a. Turned off no later than 10:00 pm each night and

b. Removed within one year of the enactment of this ordinance.

9. 9.42.050.B.1

Individual lamps on multi-family properties are limited an output of one thousand two hundred (1,200) lumens each, except for parking areas which may be two thousand (2,000) lumens each.

Council Action:

1. The City Council may approve,
2. Deny or
3. Remand back to the Planning Commission for reconsideration the proposed amendment

Example Motion:

To approve the proposed amendment to the Yachats Municipal Code based on the testimony received, the findings within the staff report, and the evidence and arguments before the City Council at the public hearing on November 17, 2020. The City Council determines that the request by the City of Yachats to add Section §9.42.050 and amend Section §9.04.030, of the Yachats Municipal Code. The City Council hereby adopts the staff memo as findings and the other evidence in the record as findings supporting its decision and approves the Ordinance.

Attachments:

1. Proposed changes from the October 28, 2020 PC Public Hearing
2. Proposed Ordinance prior to the Public Hearing
3. Draft Ordinance
4. Public Comments

January 15, 2020

To: Shannon Beaucaire, City Manager
From: Justin Peterson, Contract City Planner
Re: Draft Amendments Lighting

Upon further review the Lighting Ordinance and consultation with the City Attorney Staff believes there are areas where the record can be improved to support the proposed language and policy choices. The goal is to strengthen the record so Planning Commission and City Council can make a decision based on the facts in the record.

Here some questions that City Council and Planning Commission may consider:

- How much do marine lights cost? The amount of time you give a business or property owner to replace equipment should have some relationship to the expense of the equipment. The more expensive the equipment the more time the City would want to allow for compliance.
- Planning Commission was interested in a separate compliance timeline for residential vs commercial uses. What is the difference between a residential marine light vs. a commercial marine light? If they are the same fixture then there is not much reason to treat them differently.
- As to the curfew, is there evidence in the record as to why light after 11PM is harmful, as compared to light before 11PM? During the winter, that would allow the lights to be on for at least five hours; during the summer, only a couple hours. The record should have information about why 11PM is important for this type of lighting and the harm it causes.

Other comments included:

- A need to clarify the meaning of “bright” in the Marine lighting definition.
- A need to better define temporary.
- A question about official copyright permission for the images.
- Instead of stating “after the passage of this ordinance” defining a specific date.
- A need for an administrative process to review rather than the standard variance process. It is unclear how a lighting regulation could meet the variance requirements.
- YMC 9.42.070(2)(c) is not a regulation. As such, it does not belong in the Code.
- YMC 9.42.050(E) should be removed since it is not a regulation.

Last comments from the City Attorney included minor text edits, formatting edits, and updating terms formatting to match existing formatting in YMC 9.04. The attached Ordinance has track changes identifying suggested text edits.

Public Hearing History: At the October 20, 2020 Planning Commission meeting the decision was made to continue the hearing to October 28, 2020. At the October 28, 2020 continued Planning Commission meeting, the Commission passed a motion to forward the attached recommended amendment to Yachats Municipal Code to City Council. The Planning Commission identified several changes that are noted in the memo dated November 10, 2020 to the lighting ordinance. The City Council remanded the draft Ordinance back to the Planning Commission at the November 18, 2020 meeting. Planning Commission discussed the Ordinance at the December 1, 2020 Planning Commission meeting. Planning Commission voted to recommend approval and forward the Ordinance to City Council at the December 21, 2020 meeting.

Issue/Question: Does the Municipal Code address lighting within the City of Yachats in a manner which supports the goals of the Comprehensive Plan?

Explanation: The Municipal Code currently addresses lighting minimally and without specificity; restricting exterior lighting directed to adjacent property (broadly defined by use).

See Section 5.08.165 Exterior lighting.

A. Exterior lighting shall not be directed from the property of the owner onto private residential or commercial property, streets, parklands, or other public properties.

The City of Yachats Comprehensive Plan GOAL D Conservation of Energy and **GOAL G** Control of Urban Growth and Form to sustain the small - town, ocean - side character of the Yachats Community supports the addition of a comprehensive lighting strategy which requires energy efficient lighting standards and addresses the adverse effects of bright, outdoor lighting, light trespass and glare.

The Planning Commission member amendments since the November 18, 2020 meeting are highlighted in the draft Ordinance. In addition, Planning Commission recommends that the images from earlier versions of the Ordinance be added back into the draft Ordinance.

Staff received additional written comments from Michael Lebofsky on December 29, 2020 and Bill Kowalik on December 30, 2020 which are included with the other Public comments.

Council Action:

1. The City Council may approve,
2. Approve with modifications,
3. Deny or
4. Remand back to the Planning Commission for reconsideration the proposed amendment

Example Motion:

To approve the proposed amendment to the Yachats Municipal Code based on the testimony received, the findings within the staff report, and the evidence and arguments before the City Council at the public hearings. The City Council determines that the request by the City of Yachats to add Section §9.42.050 and amend Section §9.04.030, of the Yachats Municipal Code. The City Council hereby adopts the staff memo as findings and the other evidence in the record as findings supporting its decision and approves the Ordinance.

Attachments:

1. Draft Ordinance with Track Changes
2. Draft Ordinance before Track Changes.
3. Public Comments
4. Planning Commission Members Comments and Research
5. Staff memos from earlier public meetings (October 20, 2020 and November 10, 2020 memo)

February 2, 2021

To: Planning Commission

From: Justin Peterson, Contract City Planner

Re: Draft Amendments Lighting

After the City Council meeting Planning Commission members submitted some comments about the Lighting Ordinance. The comments are included in the packet. The following bullets expand on some of the comments and answer some of Planning Commission member questions.

- The highlighted comments sections are not proposed to be removed unless in strikethrough. “or equal to” (YMC 9.42.050(A)(2)(b)) is not proposed to be removed.
- The code is proposed to be updated from three or more residential units to multi-family. Multi-family is defined in the Yachats Code. “Dwelling, Multifamily. “Multifamily dwelling” means a building containing three (3) or more dwelling units.”
- YMC 9.42.050(C)(1) was updated to say “commercial uses” this is consistent with the single-family or two-family residential uses and multi-family residential uses. Planning Commission can choose not to make the change.
- The parking spaces standard in YMC 9.42.070(B)(2) was shown in strikethrough in the draft sent to City Council. The attorney commented that the three different measures of 25% seemed awkward. Planning Commission could choose to keep parking spaces.
- The images require copyright permission. Giving credit is not the same as permission. Figure 3 is an image of glare from car lights. Are car lights regulated by this ordinance?
- The variance criteria are listed in YMC 9.80. The criteria for a variance requires that the variance be necessary as a result of a physical aspect of the lot. The attorney could not think of an example where someone could meet the criteria on his initial review.

The paragraphs and information below is mostly copied from the January 20, 2021 City Council memo. The Planning Commission may discuss the items below.

Upon further review the Lighting Ordinance and consultation with the City Attorney Staff believes there are areas where the record can be improved to support the proposed language and policy choices. The goal is to strengthen the record so Planning Commission and City Council can make a decision based on the facts in the record.

Here some questions that City Council and Planning Commission may consider:

- How much do marine lights cost? The amount of time you give a business or property owner to replace equipment should have some relationship to the expense of the equipment. The more expensive the equipment the more time the City would want to allow for compliance.
- Planning Commission was interested in a separate compliance timeline for residential vs commercial uses. What is the difference between a residential marine light vs. a commercial marine light? If they are the same fixture then there is not much reason to treat them differently.
- As to the curfew, is there evidence in the record as to why light after 11PM is harmful, as compared to light before 11PM? During the winter, that would allow the lights to be on for at least five hours; during the summer, only a couple hours. The record should have information about why 11PM is important for this type of lighting and the harm it causes.

Other comments included:

- A need to clarify the meaning of “bright” in the Marine lighting definition.
- A need to better define temporary.
- A question about official copyright permission for the images.
- Instead of stating “after the passage of this ordinance” defining a specific date.
- A need for an administrative process to review rather than the standard variance process. It is unclear how a lighting regulation could meet the variance requirements.
- YMC 9.42.070(2)(c) is not a regulation. As such, it does not belong in the Code.
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Last comments from the City Attorney included minor text edits, formatting edits, and updating terms formatting to match existing formatting in YMC 9.04. The attached Ordinance has track changes identifying suggested text edits.

Public Hearing History: At the October 20, 2020 Planning Commission meeting the decision was made to continue the hearing to October 28, 2020. At the October 28, 2020 continued Planning Commission meeting, the Commission passed a motion to forward the attached recommended amendment to Yachats Municipal Code to City Council. The Planning Commission identified several changes that are noted in the memo dated November 10, 2020 to the lighting ordinance. The City Council remanded the draft Ordinance back to the Planning Commission at the November 18, 2020 meeting. Planning Commission discussed the Ordinance at the December 1, 2020 Planning Commission meeting. Planning Commission voted to recommend approval and forward the Ordinance to City Council at the December 21, 2020

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Issue/Question: Does the Municipal Code address lighting within the City of Yachats in a manner which supports the goals of the Comprehensive Plan?

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Staff received additional written comment/question from Mary Coolidge on January 21, 2021 after the January 20, 2021 City Council Meeting. The comment is added to the packet.

Planning Commission Action:

1. The Planning Commission may recommend approval,
2. Recommend approval with modifications
3. Deny or
4. Continue the Public Hearing to another date and time.

Example Motion:

To recommend approval of the proposed amendment to the Yachats Municipal Code based on the testimony received, the findings within the staff report, and the evidence and arguments before the Planning Commission at the public hearings. The Planning Commission determines that the request by the City of Yachats to add Section §9.42.050 and amend Section §9.04.030, of the Yachats Municipal Code. The Planning Commission hereby adopts the staff memo as findings and the other evidence in the record as findings supporting its decision and recommends approval of the Ordinance.

Attachments:

1. Draft Ordinance with Track Changes
2. Draft Ordinance before Track Changes with recent changes highlighted.
3. Public Comments
4. Planning Commission Members Comments and Research
5. Staff memos from earlier public meetings (October 20, 2020, November 10, 2020, and the January 20, 2021)