

# MINUTES SEASIDE PLANNING COMMISSION

June 4, 2013

**CALL TO ORDER:** Chair Ray Romine called the regular meeting of the Seaside Planning Commission to order at 7:00 p.m.

## **PLEDGE OF ALLEGIANCE**

**ATTENDANCE:** Commissioners present: Steve Winters, Virginia Dideum, Ray Romine, Tom Horning, Chris Hoth, Bill Carpenter, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

**OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT:** Chair Romine asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There was no response. Chair Romine then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. There was no response.

**APPROVAL OF MINUTES:** Motion to approve the May 7, 2013 minutes;  
Commissioner Carpenter made a motion to approve the minutes as submitted. Commissioner Horning seconded. The motion was carried unanimously.

## **PUBLIC HEARING REQUIREMENTS:**

The following public hearing statements were read by Chair Romine:

1. The applicable substantive criteria for the hearing items are listed in the staff report(s) prepared for this hearing.
2. Testimony and evidence shall be directed toward the substantive criteria listed in the staff report(s) or other criteria in the plan or land use regulation, which you believe applies to the decision.
3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.
4. The applicant will testify first, then any opposition will testify, and then the applicant will be given time for rebuttal.

**PUBLIC HEARING:** None

**ORDINANCE ADMINISTRATION:** Reconsideration of Outdoor Lighting Ordinance:

- 1.) Open Discussion
- 2.) Public Comments
- 3.) Consider Recommendation to City Council

Mr. Cupples stated that this has been discussed at several work sessions and at several Planning Commission Meetings. This draft light ordinance is now ready to either send to City Council for their review or not.

Commissioner Carpenter stated that there are people in the audience so we should open this up for public comment.

Chair Romine asked if there was anyone in the audience that would like to comment.

Mr. Cupples stated that we did receive one letter from a property owner that is in support of the lighting ordinance and that letter is in the packet.

Randall Henderson 89066 Ocean Dr, Warrenton OR 97146. Mr. Henderson stated that he is here in support of the lighting ordinance and feels that it's a great idea. If you look at other areas in the country like Sedona and Flagstaff, they have a lighting ordinance and it doesn't hinder their tourism industry. This is a very positive thing. Mr. Henderson asked about item E on the Ordinance. It seems that the way it is written isn't right. Mr. Cupples stated that there is a place that reads "Site lighting along the common property lines of non-residentially developed property where continuous illumination is intended. Likewise, lighting along the common property lines of all parking lots where continuous illumination is desired". Mr. Henderson asked "where do you get the shields?" Mr. Cupples stated that in many cases you would probably have to have one fabricated. Mr. Henderson also stated that the city should have something on the website that would let people know where to buy these types of lighting fixtures and where to get the shields fabricated.

Commissioner Carpenter stated that this has been discussed many times and he has no further questions.

Commissioner Winters stated that he has talked with the City's Fire Marshall and he stated that all the exterior lights will have to be replaced if this ordinance is passed. Right now the fire department is up in Warrenton on a really large fire and when they get back into town they are going to have to clean their equipment. If this ordinance goes through they won't be able to see what they are doing because there won't be enough light. Commissioner Winters also stated that last week there was a small crime wave that went through town and people's trailers and equipment were stolen. Lighting is very important for people who want to protect their property. It doesn't cost the creators of this ordinance any money but it costs everybody else money and he feels that that should be considered also. Commissioner Winters also stated that Mr. Henderson had a good point, where do you find the shields for the lights?

Chair Romine asked Commissioner Winters about the information that he said he had for the last meeting and didn't bring, did he bring it this evening. Commissioner Winters stated no but the State has all these rules and regulations so why are we recreating something that the state takes care of.

Commissioner Horning asked Mr. Cupples if he has talked to the Fire Department regarding this lighting ordinance. Mr. Cupples stated that no he has not, but by generally controlling where the lighting is shining is better than having the lighting cast all over. If you look at the football field it has directed lighting. It doesn't shine all over. It only shines on the football field.

Commissioner Dideum asked about the exemptions. If you have light that is nonconforming and it is rusted out do you have to buy a compliant light fixture? Or can you buy a fixture like for like. Mr. Cupples stated if you are replacing an existing light fixture that has rusted out then there is not permit required which means you can replace like for like. If you are adding additional light fixtures where you will need an electrical permit then yes you would need to be dark sky compliant. Commissioner Dideum also stated that the nuisance ordinance doesn't really cover lighting and that is why we need this ordinance, the nuisance ordinance covers garbage, trees, noise and noxious vegetation and all that. Lighting is missing from this list. Commissioner Ridout asked if she would recommend the nuisance ordinance be amended to include the word lighting. Commissioner Dideum stated that these other things have a section in the ordinance and asked, is lighting going to be a separate ordinance or will it be added to an existing one. Mr. Cupples stated that this is a free standing ordinance. Commissioner Hoth stated that he thinks that this is a good idea, the purpose is good, and that it's worthy of discussion and he's not sure that this ordinance itself is in the best shape to deal with these issues yet and does raise the concern of enforcement. As far as safety goes a lighting ordinance may be necessary. Commissioner Hoth feels that this is ready to go to the City Council.

Chair Horning stated that he does go walking at night and the sidewalks are not very illuminated so he carries a flash light. It wasn't until about a year and a half ago that we were at a joint work session with the city council where the planning commission made a presentation regarding the lighting ordinance. At that time the City Council thought it was a worthy topic to pursue. So the City Council is expecting something. LA County just passed a lighting ordinance and the maximum lumens that you can put out before you shield them are 40 watt incandescent. We are already regulated and this will help keep the natural areas natural and this will help keep the quality of nature as high as possible within the city. With out it, it will only get worse. Technology is leading to brighter lights and to more intrusive lighting and this is a solution to a problem that has been developing technologically. We are already enforcing lighting with the conditional uses. We are telling new developments that they must shield their lights. So we act like this is important. If City Council says we should move forward with it then let's move forward with it.

Commissioner Ridout stated that he doesn't see a need for a lighting ordinance and currently the street lighting isn't bright enough. A lot of years ago they lowered the wattage on the street lights because it was cost effective to have lower wattage. Now he can't find the key to his front door lock because the wattage is so low. We need more lighting not less. That is one of the reasons he lives in town is because of the lighting.

Commissioner Carpenter made a motion to send the lighting ordinance to the City Council as written. Commissioner Hoth seconded and the motion was carried with a 5 to 2 vote, Commissioner Winters and Commissioner Ridout voting no.

#### **COMMENTS FROM THE PUBLIC:**

Chair Romine stated that after many discussions and working through several meetings the commission has come up with a compromise and now has something to present to the City Council.

Ronnie Rose, 2960 Keepsake Dr., Seaside OR. She wants to know the process that the commission goes through to make decisions. We have a neighbor that has requested a vacation rental and as a representative of the neighborhood we are saying that the neighborhood is opposed to any vacation

rental in our neighborhood. Mr. Cupples stated that what he would like to avoid is talking about a pending VRD request. This particular VRD is a planning director decision but if you have something generic to discuss regarding vacation rentals in your subdivision whether you think that area should be excluded or whatever you can. The planning commission and city council have worked on trying to avoid certain areas within the city, but they are the appellant body for any planning director decision and so we try not to get them involved with a decision unless it's bouncing into their court. Under general statements if you have something that is not directed towards a particular application that is more appropriate and it doesn't muddle the decision making process. Ms. Rose stated that she really likes residential neighborhoods in Seaside. It's a wonderful place to live and is interested keeping the residential feel of her neighborhood.

Thomas Kenny, 491 Fairway Ct. Seaside OR. He is also against vacation rentals in their general area and has had some problems in the past. We are not against long term rentals. Vacation rentals are usually party time for a lot of people. He is from Alaska and ended up in Seaside and loves it here and would like to keep it that way. He opposes VRD's in the cove area.

**COMMENTS FROM COMMISSION/STAFF:** None

**ADJOURNMENT:** Adjourned at 7:55 pm.

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Ray Romine, Chairperson

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Debbie Kenyon, Admin. Assistant