

**SEASIDE PLANNING COMMISSION AGENDA**  
**989 Broadway - City Hall Council Chambers**  
**June 4, 2013**  
**7:00 p.m.**

- 1. CALL TO ORDER:**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. OPENING REMARKS:**
- 4. DECLARATION OF CONFLICT OF INTEREST OR EXPARTE CONTACTS:**
- 5. APPROVAL OF MINUTES:** May 7, 2012
- 6. PUBLIC HEARING:**
- 7. ORDINANCE ADMINISTRATION:**
  - Reconsideration of Outdoor Lighting Ordinance:
    - 1.) Open Discussion
    - 2.) Public Comments
    - 3.) Consider Recommendation to City Council
- 8. PUBLIC COMMENTS:** Not related to specific agenda items:
- 9. PLANNING COMMISSION & STAFF COMMENTS:**
- 10. ADJOURNMENT**

**MINUTES SEASIDE PLANNING COMMISSION**  
**May 7, 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 April 2, 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:**

**A.) 13-011VRD** is a request by **Tom & Mary Herche** for a **three** (3) bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **nine** (9) people. The property is located at **1131 S Prom** and it is zoned Medium Density Residential (R-2).

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Tom Herche, 2621 42<sup>nd</sup> Ave W, Seattle, would like to have a vacation rental at this address and the previous owners had a VRD permit already.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. There was no response.

Chair Romine asked if there was anyone else who would like to offer testimony in opposition. There was no response.

Chair Romine closed the public hearing and the issue was opened for Commission discussion.

Commissioner Dideum asked Mr. Herche if Paulina Winkler was a professional property manager? Mr. Herche said that she has worked with a property manager and she will be the local contact and once this gets approved that then they will find a property manager.

Commissioner Ridout asked if this has been a vacation rental and have there been any problems with it? Mr. Cupples stated that there have not been any complaints that have been turned in to the city.

Commissioner Carpenter made a motion to approve the VRD under the guidelines that staff has presented.

Commissioner Winters seconded and the motion was carried unanimously.

**ORDINANCE ADMINISTRATION:**

Reconsideration of Outdoor Lighting Ordinance:

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

Mr. Cupples stated that at the last meeting the draft ordinance was brought before the commission and we had a standing planning commission of six individuals and we needed to bring this back to the commissioners with all the commissioners present. Last time we had a 3 to 3 vote which means it would die because it didn't have a majority vote. In conversations with Commissioner Winters he actually said that he thought there was a way that the ordinance could be amended that could actually satisfy him. Mr. Cupples has prepared a revised draft and you can either go with the original draft or go with the revised draft. What the revised draft says is that existing fixtures are grandfathered in.

Chair Romine stated that the lighting ordinance would be very difficult to enforce and the lighting issues could be covered under the nuisance ordinance that already exists. So all this would only apply to new electrical permits to replace, add, or in some way rewire the lighting. We are trying to comply with the dark sky element of light pollution but on a going forward basis.

Commissioner Winters stated that the state has lighting requirements already. Mark Mead has put together some information and Commissioner Winters didn't have time to stop at home and pick that up. He also stated that part of what we are trying to do is regulate something that the state is already regulating.

Commissioner Dideum asked Commissioner Winters what does it say. Commissioner Winters stated that he doesn't have that information with him but would gladly bring it to the next meeting if everyone would like to postpone this until the next meeting.

Commissioner Hoth asked that the only time that anything would be done is when an electrical permit would be issued then they would have to change out the lighting fixture to be dark sky compliant.

Commissioner Winters stated that in the original ordinance it stated that lights on a flag pole need to shine down on the flag. That will be very difficult to change the light bulb when it's way up in the air. Not everybody has a crane or a ladder that long. Mr. Cupples stated that all existing flag poles would be exempt so it would only be for new flag poles. Commissioner Winters asked if this could be removed from the ordinance. Mr. Cupples stated that yes it could be.

Commissioner Hoth stated that this is a good idea and can increase livability and could have a positive outcome. Commissioner Hoth stated that Commissioner Winters asked if people change their patterns of behavior because of the lights being irritating, Commissioner Hoth stated yes they do, because he mails letters sometimes at night and has to walk down the street where there is a light on the side of a building that is so bright that he can't see his feet and if he can't see where he's going he could easily slip off the curb and twist an ankle so it is dangerous. After reading through this ordinance it seems like it is unenforceable, but feels that it would be OK to send it to the City Council for their review.

Commissioner Romine feels the same way.

Commissioner Ridout would rather not see this again.

Commissioner Horning stated that he would agree with Commissioner Winters to postpone this for one more month so Commissioner Winters can bring the information that Mark Mead has given him. If this is already covered under the state requirements then we should send it to City Council to get their point of view.

Chair Horning made a motion to carry this over to the next meeting so that Commissioner Winters can bring in his paperwork that he received from Mark Mead.

Commissioner Hoth seconded and the motion was carried unanimously.

**COMMENTS FROM THE PUBLIC:**

**COMMENTS FROM COMMISSION/STAFF:**

**ADJOURNMENT:** Adjourned at 7:38 pm.

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Ray Romine, Chairperson

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Debbie Kenyon, Admin. Assistant

# Memo

**To:** Planning Commissioners  
**From:** Planning Director, Kevin S. Cupples  
**Date:** June 4, 2013  
**Re:** Outdoor Lighting Ordinance

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The electronic packet includes one draft of the ordinance that shows all the corrections in red and the other is a clean version without all the markups. The only new change that was made to the draft ordinance, following the last work session, was the exemption language for the lighting of US flags. It removes the dark sky provision that would have required downcast lighting from on top of the flag pole.

Please review the information prior to the meeting. Since we did not have any formal hearing items on the agenda, we are not sending out hard copies of the packets information. We will have hard copies of the both versions of the ordinance available at Tuesday night's meeting.

If you need any additional information, please contact the Department via email or phone (503) 738-7100.

**CITY OF SEASIDE, OREGON DRAFT OUTDOOR LIGHTING ORDINANCE**

**ORDINANCE NO. 2013- \_\_**

**AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, ADDING CHAPTER 101 TO THE CODE OF SEASIDE, ESTABLISHING OUTDOOR LIGHTING REGULATION, MAINTENANCE PROVISION, & NUISANCE LIGHTING ABATEMENT PROCEDURES.**

**WHEREAS**, the city is interested in reducing the visual glare caused by unshielded exterior lighting in Seaside; and

**WHEREAS**, the installation of lighting that is controlled in such a way that it illuminates the subject property and avoids illumination of the surrounding environment is an efficient use of lighting; and

**WHEREAS**, the City of Seaside is interested in establishing “Dark Sky” provisions that will in time make the night sky more visible throughout the city.

**WHEREAS**, lighting that is directed at neighboring residential property can create adverse impacts and it is not specifically recognized as an enumerated nuisance under the current nuisance ordinance, Chapter 96; and

**WHEREAS**, City Council is seeking a way to promote the use of outdoor lighting that will enhance the livability of our community and minimize the impacts exterior lighting can have on surrounding properties or our environment.

**NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:**

**SECTION 1.** Amend the Code of Seaside by adding Chapter 101 to read as follows:

**CHAPTER 101: OUTDOOR LIGHTING**

**101.010 PURPOSE, FINDING, & INTENT.**

The city council finds that the installation of outdoor lighting can cause unwanted impacts within the City of Seaside and adversely affect the value, utility, and habitability of the property within the city as a whole.

The purpose of this supplementary provision is to make the lighting used for residential, commercial and public areas appropriate to the need and to keep light from shining offsite onto adjacent public rights of way or private properties. Further, it is to encourage, through regulation of type, kinds, construction, installation, and uses of outdoor illuminating devices, lighting practices and systems to conserve energy without decreasing safety, utility, security, and productivity while enhancing nighttime enjoyment of property within the City

These lighting provisions contained herein are intended to achieve the following:

(A) Develop regulations that will promote the installation of outdoor lighting that will enhance the livability of our community and minimize the impacts exterior lighting can have on surrounding properties or our environment; and

(B) Establish guidelines for the installation of lighting that is controlled in such a way that it illuminates the subject property and avoids the inefficient illumination of the surrounding environment; and

(C) Supplement city Nuisance Ordinance Chapter 96 and further define lighting classified as a public nuisances.

#### **101.020 REQUIREMENTS FOR INSTALLATION.**

Except as exempted by provisions of this ordinance, as of the date of adoption; the installation of outdoor lighting fixtures shall be subject to the shielding & glare elimination provisions of this ordinance. Outdoor lighting installed on or adjacent to residentially developed property must not be more than 20 feet above the ground level immediately below the fixture.

#### **101.030 SHIELDING & GLARE ELIMINATION**

All nonexempt outdoor lighting fixtures shall have translucent covers that eliminate glare or directed shielding so as to prevent direct light from the fixture to shine beyond the property limits where the fixture is installed. This means that a person standing at the adjacent property line would not see the light emitting source (See Figure 1).

#### **101.040 PROHIBITIONS.**

(A). Laser Source Light. The use of laser source light or any similar high intensity light when projected beyond property lines is prohibited.

(B). Searchlights. The operation of searchlights for purposes other than public safety or emergencies is prohibited.

#### **101.050 EXEMPTIONS.**

(A) Outdoor light fixtures lawfully installed prior to the effective date of this ordinance are exempt from all such requirements except as follows:

~~(1) All replacement of outdoor lighting fixtures (free standing & those on the exterior of a buildings) installed prior to the date of adoption, shall be subject to the provision of this ordinance.~~

(12) A light fixture directed onto a neighboring property such that the glare is declared a nuisance in accordance with City Ordinance 96.23 (B).

(B) 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.

(C) Airport operations lighting and aircraft navigational beacons as established by the Federal Aviation Administration (FAA) are exempt from these provisions. All other airport outdoor lighting must conform to this ordinance.

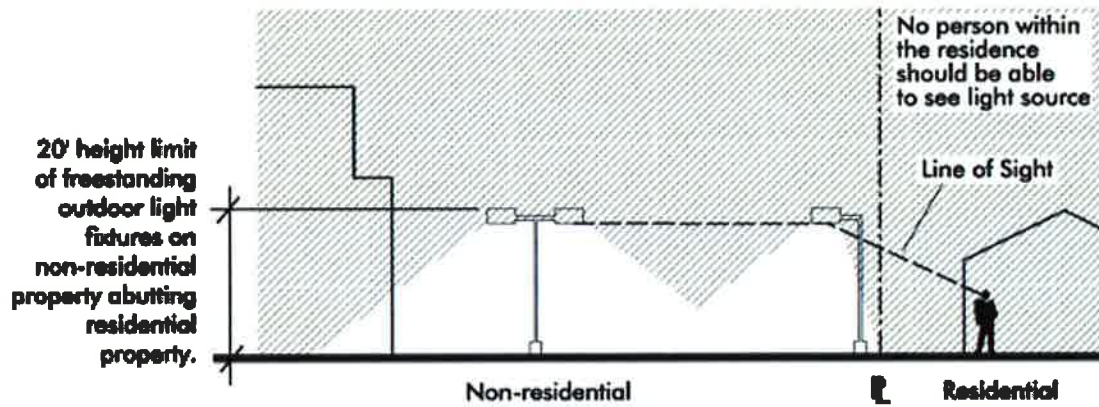
(D) Tower or antenna safety lighting required by FAA.

- (ED) Lights of less than 15 watts used for holiday decorations for no more than 45 days are exempt from the requirements of this ordinance.
- (EE) Carnivals, Fairs, or other special events that require the use of temporary outdoor lighting fixtures are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.
- (GF) Lighting for U.S. flags intended to be properly displayed at night; ~~however any new flags shall be lighted with downcast lights in a manner that is dark sky compliant.~~
- (HG) Temporary exemptions to the requirements of this ordinance for up to five days per calendar year.
- (IH) Construction lighting necessary for an allowed use are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.
- (J) Lights installed on public property or in the public right of way; however, all lighting must aspire to use dark sky compliant fixtures and use recessed lighting elements or indirect light sources wherever practical.
- (KJ). Individual light fixtures with lamps of less than 450 lumens. *The acceptability and shielding restrictions applicable to a particular lamp are decided by its initial lumen output, not wattage; check manufacturer's specifications.*

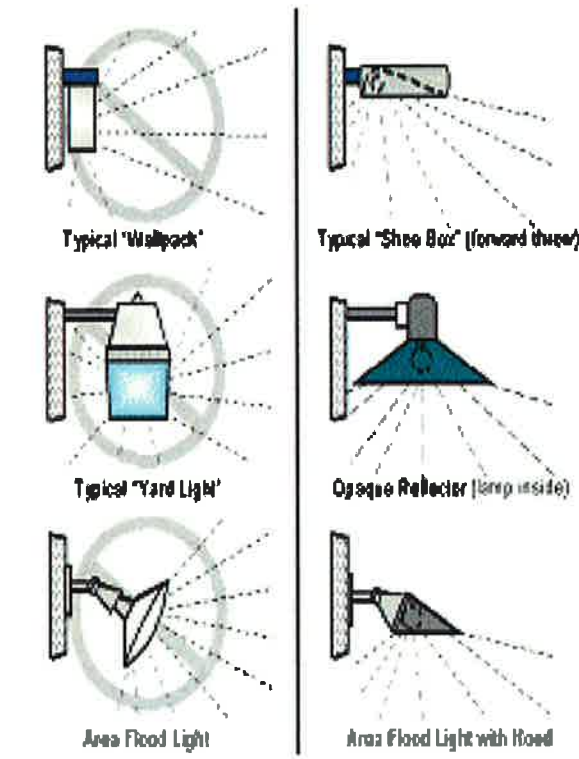
*Examples of lamp types of 450 lumens and less are:*

- 40 Watt Standard Incandescent
- 11 Watt Cool White Fluorescent
- 11 Watt Compact Fluorescent
- 8 Watt High efficacy LED accent light

**Figure 1**  
**Shielding Provisions for Outdoor Lighting**



**Figure 2**  
**Examples of Acceptable Outdoor Lighting Fixtures**



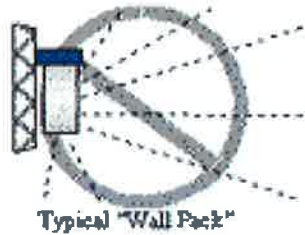


**Figure 2**

**Examples of Acceptable Outdoor Lighting Fixtures**

**COMMON LIGHTING FIXTURES**

**NON COMPLIANT**



Typical "Wall Pack"

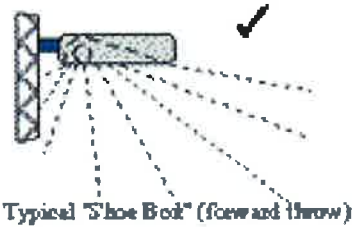


Typical "Yard Light"

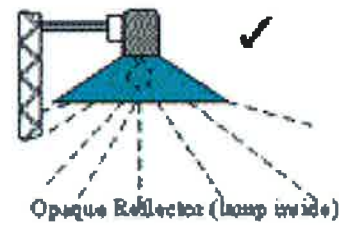


Area Flood Light

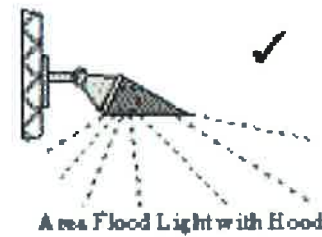
**GOOD**



Typical "Shoe Box" (forward throw)



Opaque Reflector (lamp inside)



Area Flood Light with Hood

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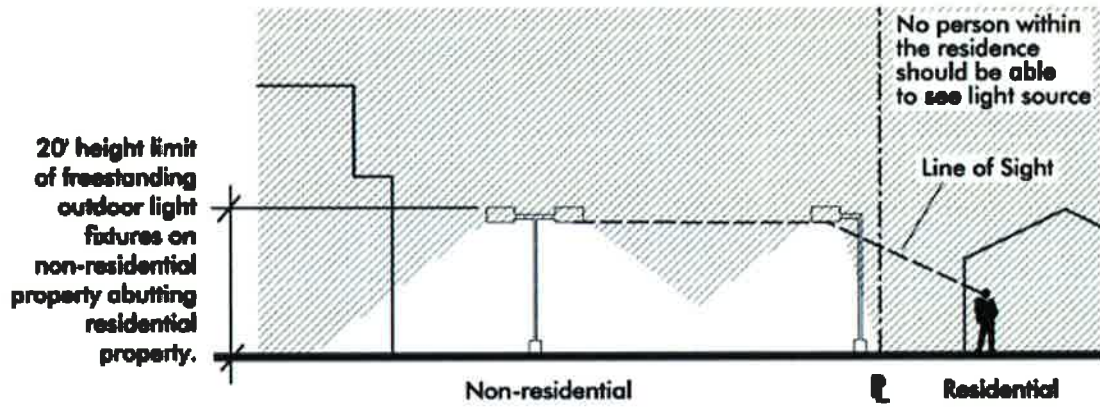
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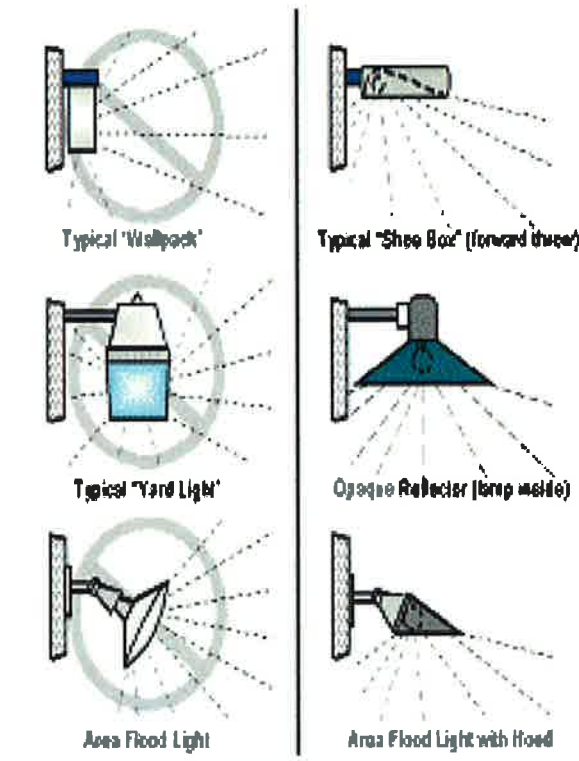
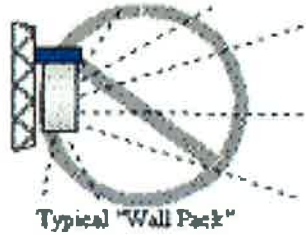


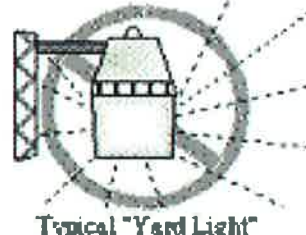
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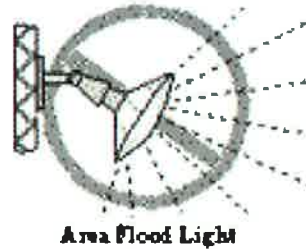
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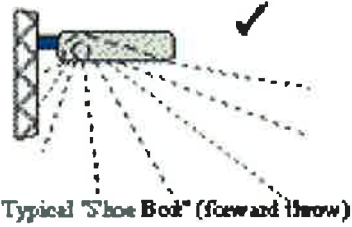


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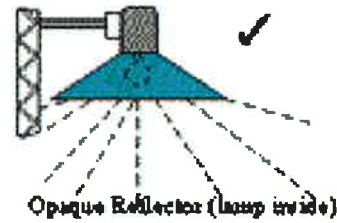


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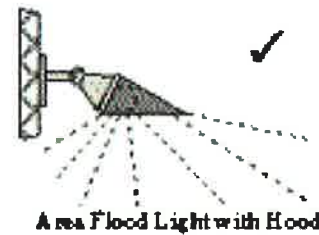
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Opaque Reflector (lamp inside)



Area Flood Light with Hood