

**PORT ORFORD PLANNING COMMISSION
CITY COUNCIL CHAMBERS, PORT ORFORD CITY HALL
REGULAR MEETING, PUBLIC HEARING and WORKSHOP**

Tuesday, June 1, 2021

3:30 PM

Tue, June 1, 2021 3:30 PM

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Agenda

1. Call to Order
2. Planning Chair Comments
3. Additions to the Agenda
4. Approval of Agenda
5. Approval of Minutes: May 4, 2021 (pgs 1-5)
6. Elect Planning Commission Vice-Chair
7. Application for Appointment to Commission- Baily Rinehold
8. Comments from the Public
9. Public Hearing - None
10. Planning Matters
 - Lighting Ordinance Section 15.17.090 Street and Highway Lighting Standards (pgs 6-13)
 - ODOT Proposal (pgs 14)
 - Review of Building Heights and Exemptions in 4-C and 5-I Zones
 - Adopted Ordinance 2021-02 (pgs 15-17)
 - Staff Report (pgs 18-23)

Other Business

- A. Announcements and Communications:
 - City Planner Comments
 - Planning Commission Comments
 - B. Continuing Business
11. Public Considerations
 12. Adjourn

CITY OF PORT ORFORD PLANNING COMMISSION
MINUTES OF MEETING
May 4, 2021, 3:30 p.m.
Regular Meeting, Public Hearing and Workshop, Virtually Held
555 W. 20th Street
Port Orford, Oregon

Date Draft:
Date Corrected:
Date Final:

1. Call to Order.

The regular meeting of the City of Port Orford Planning Commission was called to order Tuesday, May 4, 2021 at 3:30 p.m.

Those members present were: Chair Nieraeth, Comm. Jezuit, Comm. Schofield, Comm. Thelen, Comm. Berndt joined late.

City staff present were: Planner Crystal Shoji, Legal Counsel Kudlac and Assistant Planner Clark.

2. Planning Chair Comments.

Chair Nieraeth apologized for the lack of context at the prior meeting. Chair Nieraeth set her goal of focusing on dark sky at this meeting hoping to move toward a hearing at next meeting; after which focus will be on the building heights. Chair Nieraeth provided City Council minutes to the commissioners that were specific as to what the council is asking the Planning Commission to decide.

3. Additions to the Agenda: Mayor Cox requested the Planning Commission to meet with the council prior to the May 20th meeting for a short workshop at 3:00 p.m. Commissioner Jezuit, Commissioner Thelen, and Commissioner Berndt are available to attend the workshop.

4. Approval of Agenda for May 4, 2021: Comm. Thelen moved to approve the March 9 agenda with Comm. Jezuit as second. ***Motion carried 4-0.***

Discussion: None.

Comm. Thelen	<u>Yes</u>	Comm. Jezuit	<u>Yes</u>
Comm. Schofield	<u>Yes</u>	Comm. Nieraeth	<u>Yes</u>

5. Approval of Minutes April 6, 2021: Comm. Thelen moved to approve minutes of the April 6, 2021 meeting as written with Comm. Jezuit as second. ***Motion carried 4-0.***

Discussion: None.

Comm. Thelen	<u>Yes</u>	Comm. Jezuit	<u>Yes</u>
Comm. Schofield	<u>Yes</u>	Comm. Nieraeth	<u>Yes</u>

6. Comments from the Public:

Ann Vileisis introduced herself as a resident of Port Orford and representative of Kalmiopsis Audubon Society, which has about 100 members in Port Orford, stating they strongly support the new lighting ordinance. Ms. Vileisis provided written comments to the commissioners and addressed those comments supporting the edits put forth by Commissioner Thelen. She offered support for the second option put forth in Mr. Thelen's edits stating no sign shall contain illuminating by flashing, blinking, moving or rotating lights. Existing noncompliant lighted signs must be turned off by 8:00 p.m. Ms. Vileisis feels the enforcement part is confusing with the 80 days for existing fixtures to be shielded and 5 years to come into full compliance and a period of abatement for new violation without specified time period. She urged commissioners to clarify the enforcement wording. Ms. Vileisis supports a 30-day period of compliance for new violations. Ann Vileisis asked commissioners to delay adopting the streetlight portion of the ordinance until a better solution is reached with ODOT and Coos-Curry Electric for illumination of the new crosswalks.

Tim Palmer introduced himself as a resident of Port Orford. Mr. Palmer expressed his appreciation to the commissioners and City Council for the headway made on the lighting ordinance. He encouraged commissioners to continue moving forward. Mr. Palmer is concerned about the lights proposed at the crosswalks on Highway 101. After observing the lights, he felt they are way too bright for Port Orford.

Jennifer Head introduced herself as a resident of Port Orford. She addressed the document she provided in the packet, City of Port Orford Looking to the Future Visioning. This document is from 2006 located on Planner Shoji's planning website. Ms. Head stated the document outlines a vision for Port Orford that was put together by a substantial portion of the community and the administration in 2006. She pointed out the recommendation in the document for human-scale lighting, dark night skies and also recommendations for lowering building heights and small building footprints. Ms. Head agreed that the lights on 13th are inappropriate for Port Orford. Ms. Head urges commissioners to reconsider the lights at the crosswalks.

Steve Montana, Port Orford resident, reported the lights at the crosswalk are very bright. Mr. Montana suggested omni-directional spotlights focused on the crosswalk area with a motion detector. Mr. Montana is in favor of the Outdoor Lighting Ordinance.

Jen Bailey, Port Orford resident, fully supports the previous comments regarding the demo lighting installed on Highway 101.

Karen Copeland, Port Orford resident, is proud of the dark sky ordinance. She agrees with those that have spoken about additional lighting today.

Ms. Folden, Port Orford resident, reported she observed the demonstration lights. She feels the lights are inappropriate for the City of Port Orford.

7. Public Hearing: None.

8. Planning Matters

a. Dark Sky Review

- **Lighting Code sent to Council Chapter 15.17 (pages 4-12):** Commissioner Thelen reviewed the code, made typing corrections and made it user friendly. Legal Counsel Kudlac advised that if the commissioners sent the code to council with recommendations excluding the street lighting it would require two separate sets of hearings. She advised since this is a lighting standard and not a zoning ordinance, it might not require the planning commission to have a hearing. Planning would be making a recommendation to the council and the council would have to have the hearing. At this point, commissioners can draft as they see fit since the council will have a hearing.
- **Council minutes from March 18, 2021 (pages 13-14):** Council is asking for commissioners to look at security lighting and lit signs as well as addressing ODOT and Coos-Curry Electric coordination.
- **Correspondence from ODOT, Coos-Curry Electric, Ann Vileisis (pages 15-24):** Currently the city is facilitating with Coos-Curry Electric and ODOT for highway 101 lighting to coincide with the city ordinance. ODOT has provided correspondence with what they are comfortable with for street lighting. Legal Counsel confirmed that ODOT has the jurisdiction over what happens along Highway 101 as it runs through Port Orford. The current demo lights do not fall into ODOT's comfortable standards. Commissioner Thelen advised ODOT is planning to place six crosswalks with lighting for the entire intersection. Three locations will have two crosswalks, one on either side of the street. Three locations will have the push-button type pedestrian warning lights with intersection lighting. An email has been sent to Coos-Curry Electric regarding this info; however, no reply has yet been received.
- **Comm. Thelen's suggested changes to Lighting Code (pages 25-36):** Comm. Jezuit addressed Comm. Thelen's recommended changes. She supports the clarity of the ordinance with the changes made by Comm. Thelen. Comm. Berndt expressed her appreciation to Comm. Thelen and approves of the changes. Comm. Berndt suggested going through the changes for approval and to wait for ODOT correspondence prior to sending to City Council.

Comm. Thelen spoke on the lighted sign piece he put into the ordinance.. Planner Shoji advised commissioners that if they are going to regulate sign lighting it needs

added to the sign ordinance also. Legal Counsel Kudlac warned that if Planning Commission starts getting into the sign code, they will waylay the dark sky efforts. Adding the sign issues to the dark sky ordinance will slow down the Outdoor Lighting Code. Commissioner Berndt asked if it could exist in both ordinances. Planner Shoji advised it could exist in both codes. Legal Counsel Kudlac advised against putting this in both ordinances, because with various changes throughout the years it might be fixed in one place but not the other causing a conflict. Legal Counsel Kudlac stated that the ordinance stating lighted signs not in compliance with the code be turned off at 8 is a lighting restriction. If you do not allow specific types of signs, that is more of a sign code issue. Assistant Planner Clark stated if sign restrictions are put in the lighting code, and it is not currently in the sign code, it cannot be cross referenced without going through this process with the sign code as well.

Abatement and penalties: Stating in the code that a citizen can lodge a complaint is supported since the city probably is not going to have someone hired to check compliance. Stating that the city shall verify the facts of the complaint is supported. Legal Counsel Kudlac suggested a class C violation, which has maximum and minimal fines already in the ORS. The time given for compliance is discussed. A 30-day period for abatement is agreed upon. Assistant Planner Clark suggested leaving out the amount of fine due to inflation in the future and instead putting the class of violation. The judge will know what to apply. Commissioner Thelen suggested stating class C violation and leaving penalties up to the judge. Commissioner Berndt would like to see a daily fine for every day a person is noncompliant. Commissioner Jezuit would like to leave that verbiage out since each situation is different. She feels expecting law enforcement to check on compliance on a daily basis is not realistic, and feels the judge will know all the circumstances of noncompliance and can enforce accordingly. Commissioner Schofield recommended leaving the penalties up to the judge, since he will know the circumstances of the case.

- **Correspondence from Ann Vileisis (pages 39-40):** Discussed.

Legal Counsel Kudlac reminded commissioners that the council can wait for the ODOT portion prior to the hearing if the residential section recommendations is sent now. Commissioner Thelen volunteered to attend the city council meeting as a resource.

Commissioner Thelen moved to accept the changes made by himself and send as a recommendation to city council omitting the ODOT section with Commissioner Berndt as second. ***Motion carried 3-1***

Discussion.

Comm. Thelen Yes **Comm. Jezuit** No **Comm. Berndt** Yes
Comm. Nieraeth Yes

9. Other Business:

- a. Announcements and Communications:
 - City Planner Comments: None.

- Planning Commission Comments: Comm. Thelen expressed his appreciation for Chair Nieraeth keeping the meeting moving forward.
- b. Old and Continuing Business: Chair Nieraeth drew commissioners' attention to the zoning map provided. The two zones City Council wants planning to look at for building height are zones 4C and 5I. This will be discussed at next meeting.

10. Public Considerations:

Ann Vileisis expressed her appreciation to commissioners for their deliberation and conversations on the issues. Assistant Planner Clark reminded commissioners there are two open positions on the commission and there is no vice chair currently. This will be added to next month's agenda.

11. **Commissioner Berndt moved to adjourn the meeting with Commissioner Nieraeth as second.**

Chair Nieraeth adjourned the April 6, 2021 meeting.

APPLICATION FOR APPOINTMENT TO COMMISSION, COMMITTEE OR TASK FORCE

If you do not wish to have any specific information in this form given out to the general public please let us know, in writing, and tell us the reason why. We will try to honor your request within the constraints of the applicable public records law

I am interested in serving as a member of the Planning Commission

Name: Bailey Rinehold

Mailing Address: PO Box 781 Port Orford, OR 97465

Physical Address: 1011 Idaho ST Port Orford, OR 97465

Home Phone: cell 971-237-7228 Work Phone: _____ Fax: _____

E-mail: baileyrinehold@gmail.com

Current Employment: Battle Rock Coffee

Your area of interest: Policies + projects that will benefit the working class + families.

Your area of expertise: Retail/Restaurant management, community organizing

Why do you want to serve? To represent the young population of Port Orford, the working class + ~~young~~ families.

Previous service in this appointed position of a similar position Aside from serving 3 years as an elected student body senator + President, none!

Other volunteer activities Organizing the BLM demonstrations May, June, + July 2020

Does your schedule allow you to attend?

Daytime Meetings yes no Evening meetings yes no

Does your schedule limit the days you could attend meetings? yes no

Have you ever been convicted of a felony? yes no If Yes, please explain.

Additional comments: _____

Date: 5/26/2021

Signature: Bailey Rinehold

Please return to:
City of Port Orford
P.O. Box 310
Port Orford, OR 97465

Phone: 541-332-3681 Fax: 877-281-5307 richards@portorford.org



CHAPTER 15.17 OUTDOOR LIGHTING CODE

SECTIONS:

15.17.010	Title
15.17.020	Purpose
15.17.030	Definitions
15.17.040	Authority
15.17.050	Applicability
15.17.060	General Requirements
15.17.070	Non-Residential Lighting Requirements
15.17.080	Public Lighting Standards
15.17.090	Street and Highway Lighting Standards
15.17.100	Prohibitions
15.17.110	Exemptions
15.17.120	Notice
15.17.130	Enforcement, Abatement, and Penalties

15.17.010 - Title:

This chapter, together with the amendments codified in this chapter, shall be known and may be cited as the City of Port Orford Outdoor Lighting Code and will be referred to herein as "this code".

15.17.020 - Purpose:

The purposes of these lighting standards are: conserving energy to the greatest extent possible; promoting traffic and pedestrian safety; minimizing glare, light trespass, obtrusive lighting, light pollution, and sky glow; and preserving the Dark Sky of the natural nighttime environment.

It is the intent of this code to control the obtrusive aspects of excessive and careless outdoor lighting while preserving, protecting, and enhancing the lawful nighttime use and enjoyment of any and all property; to preserve the quality of life for residents of the City and enhance the tourist experience for visitors; and to provide assistance to property owners and occupants in bringing nonconforming lighting into compliance with this code.

15.17.030 - Definitions:

In the case where a definition of a term is found to be in conflict with a definition or term in any other City ordinance or regulation, the more restrictive definition shall apply.

Bulb: means the component of the fixture that produces light.

Canopy: means a covered structure open to the elements, with at least one side open for pedestrian and/or vehicular access.

City: means the City of Port Orford, Curry County, Oregon, USA.

Development Project: for the purposes of Chapter 15.17 means any residential, commercial, industrial, or mixed use land use plan which is submitted to the Jurisdiction for approval or for permit.

Direct Illumination: means illumination resulting from light emitted directly from a lamp or fixture, not light diffused through translucent materials or reflected from other surfaces such as the ground or building faces.

Eave: means an area of a roof which overhangs the walls.

Excessive Lighting: means lighting that exceeds the amount that is needed to perform a visual task at night or required for public safety.

Fixture: means the complete lighting assembly that houses the lamp or lamps together with everything required to control and distribute the light output. The terms "fixture" and "luminaire" may be used interchangeably in this code.

Foot Candle: means the imperial unit of measurement used to quantify the amount of light falling on a surface. One foot-candle is the illuminance produced by a candle on a surface one foot square from a distance of one foot. See also "lux".

Flood or Spotlight: means any light fixture or lamp that incorporates a reflector, a refractor, or a prismatic lens to concentrate the light output into a directed beam in a particular direction.

Full Cutoff: means zero radiation of light above the horizontal plane or a lighting fixture designed, constructed, or installed, so that the lighting elements (i.e. lamps or bulbs) are not exposed to normal view by motorists or pedestrians, or from adjacent or nearby properties.

Fully Shielded: means a fixture that allows no emission of light above the horizontal plane. For the purpose of this Chapter, full cutoff fixtures are considered fully shielded.

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

Installed: means set up or put in place.

Kelvin (K): means the color temperature scale used to describe the visual characteristics of various light sources. It is measured in degrees on a Kelvin scale (K) and typically ranges from 2000K (warm) to 5000K (cool).

Lamp: See "bulb".

Light Pollution: means any deleterious effect of artificial light including, but not limited to, glare, light trespass, sky glow, excessive or unnecessary lighting, or any artificial light that might be disruptive to the natural environment.

Light Trespass: means light falling from one property onto an adjacent or nearby property, or onto the public right-of-way.

Lumen: means the international unit of measurement used to quantify the amount of light produced by a lamp or emitted from a fixture. For the purposes of this code, measurements in lumens shall refer to "initial lamp lumens" as rated by the manufacturer when the lamp is new, as listed on the packaging.

Luminaire: see "fixture".

Lux: means the international unit used to measure the amount of light striking a surface. If this unit is used, please divide by 10.76 to convert to Foot Candles.

Motion Sensor: means a device that detects physical movement within the sensors local environment and activates a light that is extinguished by a timer.

Mounting Height: means the vertical distance from the existing grade or average elevation of the finished grade of the surface being illuminated to the lowest light emitting point of the fixture.

Nonessential Lighting: means lighting which is unnecessary for pedestrian passage or other visual tasks and therefore is not generally useful (i.e., decorative, architectural, and landscape lighting). This includes lighting intended for a specific task or purpose when that task or purpose is not being actively performed, such as parking lot illumination

Opaque: means any material that prevents light from passing through (i.e. impenetrable to light).

Outdoor Lighting: means temporary or permanent lighting equipment installed outside the building envelope, whether attached to poles, building structures, the earth, or any other location. For the purpose and intent of this code, fixtures that are installed indoors and are intended to light something outdoors are considered outdoor lighting.

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

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

Shield or Shielding: means an opaque material or device that is attached to a lighting fixture to prevent light from being emitted in certain directions.

Sky Glow: means the brightening of the nighttime sky by defuse, scattered light from artificial light sources reducing the ability to view features of the night sky.

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

Temporary Lighting: means lighting which is intended for uses which by their nature are of limited duration, such as civic events or construction projects, and will not be used for more than one thirty (30) day period within a calendar year, with one thirty (30) day extension.

Unshielded: means lighting fixtures capable of emitting light in any direction.

Up lighted: means a lighting fixture usually installed on the ground or permanently mounted to an architectural element, tree, or other structure that has the light from the fixture directed in a contained pattern above the horizontal plane to illuminate an adjacent or nearby building element, shrub, tree, or other landscaping.

15.17.040 - Authority:

The City of Port Orford and such designees as shall be appointed by City Council shall have the authority to require new lighting and existing lighting meet the provisions of this code.

15.17.050 - Applicability:

- A. General. The provisions of this code apply to the construction, alteration, movement, enlargement, replacement, and installation of outdoor lighting throughout the City of Port Orford.
- B. Application of Code. The standards and requirements of this code are applied in all zones of the City of Port Orford as follows:
 - 1. All existing lighting that fails to comply with this code at the time of its enactment shall mitigate the non-conformance through shielding or capping of the offending light within one hundred and eighty (180) days of the effective date of this chapter.
 - 2. If mitigation cannot bring the offending lights into complete compliance with this chapter, the lights must be capped, moved, relocated, or replaced resulting in compliance within five (5) years of the effective date of this chapter.
 - 3. Any construction or development which requires permitting of any kind, must be in compliance with this chapter at the time the application for the permit is filed. The City of Port Orford will not sign, nor administer, any permitting process without proof of compliance.
- C. Other Laws. Where any provision of federal, state, county, or city statutes, codes or laws conflicts with any provision of this code, the most restrictive shall govern. Where there is a conflict between the general requirements and a specific requirement, the specific requirement shall apply unless otherwise regulated by law.

15.17.060 - General Requirements:

- A. The maximum lumens of any lamp shall not exceed 1,700 lumens.
- B. The color temperature of all lamps shall not exceed 2,700K.
- C. Lighting fixtures shall be fully shielded or full cutoff fixtures.
- D. Direct or indirect illumination shall not exceed 0.2 foot candles upon abutting lots in residential use as measured at the property line.

15.17.070- Non-Residential Lighting Requirements:

- A. Canopy and Eave Lighting. Lighting levels under eaves and canopies shall be adequate to facilitate the activities taking place in such locations.
1. Lighting fixtures mounted on canopies and/or eaves shall be designed, constructed, or installed so the lens cover is recessed from the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy/eave. Light shall be constrained to no more than 85° from vertical.
 2. Lights shall not be mounted on the top or sides (fascias) of the canopy/eave and the sides (fascias) of the canopy/eave shall not be illuminated.
- B. Exterior Display and Sales Areas. Lighting levels on exterior display and/or sales areas shall be adequate to facilitate the activities taking place in these locations. The site plan shall designate areas to be considered display/sales areas and areas to be used as parking. These designations must be approved by the City.
1. Each area designated as an exterior display and/or sales area shall be considered separately.
 2. Lighting fixtures shall be full cut-off fixtures.
 3. Fixtures shall be mounted no more than twenty (20) feet above grade.
 4. Fixtures shall not create glare on adjacent streets, highways, or properties, and shall not create light trespass on nearby and abutting properties.
 5. Exterior display/sales areas shall be illuminated only when the establishment is open for business unless motion sensing devices are installed.
- C. Parking areas. Parking area lighting shall provide the minimum lighting necessary to ensure adequate vision in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.
1. All lighting fixtures serving parking areas shall be full cut-off fixtures.
- D. Security Lighting
1. All security lighting fixtures shall be fully shielded, comply with lighting standards, and be directed only onto the designated area, and not illuminate other areas.
 2. Sensor activated security lights shall be automatically turned off within five (5) minutes after being activated if no additional motion, light, or infrared radiation is detected.
 3. Residential security lights shall not be installed or attached to public utility or streetlight poles.
- E. Lighted signs. All lighted signs must comply with general requirements of this chapter. Non-compliant signs must be turned off by 8pm.

15.17.080 - Public Lighting Standards:

The following additional standards shall apply to all public and semi-public uses.

- A. All lighting fixtures shall be full cut-off fixtures.
- B. Where illumination is provided, lighting of parks or open space shall have a maximum mounting height of 20 feet, minimum illumination level of 0.3 foot-candles, maximum illumination level of 1.3 foot-candles, and color temperature not to exceed 2,700K.]
 1. The decision authority, in consultation with the Parks and Recreation Commission and the Public Works Director, shall determine whether off-street walking and bike trails built in accordance with the Parks and Recreation Master Plan, are required to be illuminated in accordance with the standards above.
- C. Rustic trails built in accordance with the Parks and Recreation Master Plan shall not be illuminated.
- D. The following shall apply to lighting of pedestrian walkways in non-residential zones and multifamily developments:
 1. If pedestrian walkways are adjacent to illuminated parking areas, public rights-of-way or common open space this standard shall be met without the need for additional lighting if the ambient lighting meets the illumination levels specified in 15.17.080.B, above.
 2. Pedestrian walkways between parking areas and buildings or adjacent to dwellings and off street multi-purpose pathways shall use bollard lights with a minimum illumination level of 0.3 foot-candles, a maximum illumination level of 1.2 foot-candles, and a maximum color temperature of 2,700K.
 3. The decision authority, in consultation with the Parks and Recreation Commission and the Public Works Director, may require off-street walk and bike trails built within or adjacent to a multifamily development in accordance with the Parks and Recreation Master Plan to be illuminated in accordance with the standards of Section 15.17.080.B, above.
 4. Rustic trails built within or adjacent to a multifamily development in accordance with the Parks and Recreation Master Plan shall not be illuminated.

15.17.090 - Street and Highway Lighting Standards: *(Note: this wording, which was sent back to the PC by the CC did not meet the requirements of ODOT for street lighting on Hwy101. An agreement with CCEC and ODOT for lighting standards has now been reached, and two examples of fixtures were installed and available for viewing on April 26. Along with other citizens, I looked at the fixtures last night and they are very bright and were measured at light levels far exceeding those specified to in the agreement. One option would be to move forward and adopt this Ordinance and send it to the City Council without section 15.17.090 - Street and Highway Lighting Standards, and continue to work with CCEC and ODOT until the issues are resolved, and add the section later.)*

- A. All lighting fixtures shall be level mounted and eighty five degrees (85°) full cutoff type fixtures.
- B. Maximum mounting height shall not exceed 20 feet measured from the surface to be illuminated to the lowest light-emitting point of the fixture.
- C. Streetlights in residential zones shall be limited to one thousand one hundred (1,100) lumens unless otherwise recommended by the Public Works Department.
- D. Non-residential streetlights shall be limited to one thousand six hundred (1,600) lumens, unless otherwise recommended by the Public Works Department.
- E. Lights on major intersections on State highways shall be limited to two thousand six hundred (2,600) lumens.
- F. Maximum color temperature shall not exceed 2700K.

15.17.100 - Prohibitions:

Any light source that does not meet the standards and requirements of this Chapter is prohibited. In addition to nonconforming lighting, the following lighting is specifically prohibited:

- A. Laser Light Source. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
- B. Searchlights and Strobe Lights. The use of searchlights or strobe lights for purposes other than public safety or emergencies is prohibited.
- C. Blinking and Flashing Lights. Any lighting that is flashing, blinking, rotating, chasing, or rapidly changing in color or intensity is prohibited, except for traffic control fixtures, those used for public safety or emergencies, and seasonal holiday lights.
- D. Externally Affixed Neon Lighting. Externally affixed neon lighting is prohibited except as a trim element that surrounds windows, doors, or building edges when located on building facades that face street frontages. Such lighting must not be located more than 15 feet from finished grade and must not be used to define a building roof-line or to attract business; and such lighting must not include flashing, intermittent or rotating lights. Notwithstanding the provisions of this subsection, all neon lighting associated with signs must meet the requirements of the City of Port Orford Sign Code.
- E. Bottom Mounted Sign Lighting. Sign lighting attached to the sign structure is prohibited.
- F. High Intensity Lamps and Fixtures. The use, installation, sale, offer for sale, lease, or purchase of any high intensity lamp for use as outdoor lighting is prohibited.
- G. Lighting within the public right of way or easement when the purpose of the fixture is to illuminate areas outside the public right of way or easement

15.17.110 - Exemptions:

The following are not regulated by this Chapter:

- A. Lighting for public monuments and statuary. No exemption shall apply to light directed upward.
- B. Temporary lighting for theatrical, television, performance areas, and construction sites.
- C. Holiday lighting during the months of November, December, and January provided such lighting does not create glare on adjacent streets or adjacent or nearby properties.
- D. Lighting that is only used under emergency conditions.
- E. Low voltage landscape lighting not exceeding 200 lumens per fixture and aimed so that glare is not visible from adjacent properties.
- F. Lighting specified or identified in a temporary use permit.
- G. Lighting required by federal or state laws or regulations.

15.17.120 - Acceptance:

The applicant shall, by signing the permit application, agree to comply with the provisions of this Chapter, a copy of which shall be provided with the application packet.

15.17.130 - Enforcement, Abatement, and Penalties:

Lighting disputes should be settled between the parties whenever possible. Education and voluntary compliance are encouraged, however, whenever such disputes cannot be resolved between parties, a citizen may lodge a complaint at City Hall. Any peace officer, as defined by ORS 161.015, the Director of the Public Works Department, or any other individual who may be designated by City Council shall enforce this Chapter.

Unlawful acts. It shall be unlawful to erect, construct, alter, extend, repair, move, remove, install, use, or demolish any outdoor lighting in violation of this Chapter, or in violation of a detail statement or a plan approved hereunder, or in violation of a permit issued under the provisions of this chapter.

Notification and Order. The City Council, the Director of the Public Works Department, or any other individual who may be designated by City Council shall verify the facts of the complaint, and if the complaint is deemed legitimate, issue a Notice of Violation and Order for Abatement. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. The property owner or authorized agent of the owner shall comply with the requirements of the notice of violation within the time period given, not to exceed 30 days.

Penalty. Any violation of this Chapter, or any portion of this Chapter not abated within the specified time period, shall be considered a Class C violation.

15.17.090 - Street and Highway Lighting Standards:

- A. All lighting fixtures shall be level mounted and eighty-five degrees (85°) full cutoff type fixtures.
- B. Maximum color temperature shall not exceed 2700K.
- C. Luminaires shall be mounted at a height of 30 feet or less.
- D. All street and highway lights shall meet the following standards for average horizontal illuminance:

ZONES	Average horizontal illuminance in foot candles (fc)
Residential Zones	0.2-1.2 fc
Hwy 101, including intersections and cross walks	0.9-1.2 fc

ORDINANCE NUMBER 2021-02

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF PORT ORFORD AMENDING BUILDING HEIGHTS WITHIN USE ZONES

The Common Council of the City of Port Orford hereby ordains that the Port Orford Municipal Code, Title 17 Zoning, Chapter 17.04 General Provisions and Chapter 17.12 Use Zones, be amended by the following:

Port Orford Municipal Code Chapter 17.04

17.04.030 Definitions

"Height of buildings" means the vertical distance from the "average finished grade" to the highest point of the building, including the roof beams on a flat or shed roof, the deck level on a mansard roof and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs. ~~ceiling of a flat roof, or to the deck line of a mansard roof or to the average height of the highest gable of a pitch-~~ or hip roof; Average finished grade includes and encompasses any fill above the natural grade.

"Observation tower" means a public structure used to view events from a long distance and to create a 360-degree range of vision.

Port Orford Municipal Code Chapter 17.12

17.12.010 Residential zone (1-R)

G. Height of Buildings. Except as provided in Section 17.20.050 in a 1-R zone no building shall exceed ~~thirty-five (35)~~ thirty feet (30) feet and two stories in height.

17.12.020 Residential zone (2-R)

G. Height of Buildings. Except as provided in Section 17.20.050 in a 2-R zone no building shall exceed ~~thirty-five (35)~~ thirty feet (30) and two stories in height.

17.12.030 Commercial zone ((4-C)

No change

17.12.040 Industrial zone (5-I)

F. Height of Buildings. Except as provided in Section 17.20.050 in a 5-I zone no building shall exceed ~~forty-five (45)~~ feet in height.

17.12.50 **Controlled development zone (6-CD)**

D. Height of Buildings. Except as provided in Section 17.20.050 in a 6-CD zone no building shall exceed thirty (30) feet in height.

17.12.060 **Marine activity zone (7-MA)**

No change

17.12.070 **Public facilities and park zone (8-PF)**

No change

17.12.080 **Shoreland overlay zone (9-SO)**

G. Height of Buildings. Except as provided in Section 17.20.050 in an 9-SO zone no building shall exceed thirty (30) feet in height.

17.12.090 **Battle Rock Mixed Use zone (10-MU)**

B. Uses Permitted Outright

~~15. Any permitted use where building height exceeds 35 feet shall be subject to site plan review to comply with the provisions set forth in Chapter 17.33, Site Plan Review.~~

H. Height of Buildings. Except as provided in Section 17.20.050 in a 10-MU zone, no building shall exceed ~~forty-five (45)~~ **thirty-five (35)** feet in height.

Chapter 17.33 Site Plan Review

No change

17.20.050 **General exception to building height limitations.**

The following type of structure or structural parts are not subject to the building height limitations of this title: **stationery boat hoist in the Port Facility**, chimney, tank, church spire, belfry, dome, monument, fire and hose towers, **public** observation tower mast, aerial cooling tower, elevator shaft, transmission tower, smokestack, flagpole, radio or television towers and other similar projections.

17.32.050 **Additional standards governing conditional uses.**

No change

17.46.080 Evacuation Route Improvement Requirements.

No change

In all other respect, the Port Orford Municipal Code, Title 17 Zoning shall remain the same and in full force and effect.

The foregoing ordinance was enacted by the Common Council of the City of Port Orford this 18th day of February 2021 and effective the 20th day of March, 2021 by the following vote:

Passed or Failed by the following Roll Call Vote

Yes: Kessler, Pogwizd, Burns, LaRoche, Tidey

No: _____

Passed X Failed _____

Garrett Absent

Pat Cox

Mayor Pat Cox

ATTEST:

David Johnson

David Johnson, City Recorder, pro tem



City of Port Orford Staff Report

To: Krista Nieraeth, Planning Commission Chair
Port Orford Planning Commission

From: Crystal Shoji, AICP
Port Orford Planning Director

Date: This Staff Report is made available by May 25, 2021 for Planning Commission's consideration at their virtual workshop scheduled for June 1, 2021

Topic: The Port Orford City Council previously adopted amendments to the City's Height Restrictions in February 2021: ORDINANCE NUMBER 2021-02.

Background: The Port Orford City Council has asked the Port Orford Planning Commission to consider additional amendments pertaining to the following:

- a. Consider a 35-foot height limitation in Commercial zones:
Note: The Commercial zone, (4-C) is suggested within this document for discussion. The Battle Rock (10-MU) Zone is a Commercial Zone that already has a 35-foot height limitation. There has been no request for the Planning Commission to reconsider the Battle Rock height limitations.
- b. Consider a 35-foot height limitation in Industrial Zones:
Note: The Industrial zone (5-I) is suggested within this document for discussion. The Marine Activity Zone (7-MA) is an industrial and commercial mixed-use zone that currently has a 45-foot height limitation. The Council has not expressed expectations for modifications in the Marine Activity Zone, although there are considerations within this document for the (7-MA) zone where there is some concern.
- c. Explore and suggest which zones should have exemptions, and what those exemptions should be within all zones:
Note: Two areas within the code that address exceptions to the height restrictions are addressed for your discussion as follows:
 - The current code includes Section 17.20.050 General exception to building height limitations.
 - The current code also includes Section 17.32.050 Additional standards governing conditional uses.

Attachments:

City of Port Orford Zoning Map, Curry County Enterprise GIS – Attachment A
Upper Dock Road Excerpt Map with specific ownerships – Attachment B

Beginning on this page of this document, words included in *italics* are from the current code. Your personal copies of the code may not have the new height allowance language that was adopted earlier this year.

Port Orford Municipal Code Chapter 17.12

17.12.030 Commercial zone (4-C)

Current:

F. *Height of Buildings. Except as provided in Section 17.20.050 in a 4-C zone, no building shall exceed forty-five (45) feet in height.*

Proposed:

F. Height of Buildings. Except as provided in Section 17.20.050 in a 4-C zone, no building shall exceed thirty-five (35) feet in height.

17.12.040 Industrial zone (5-I)

Current:

F. *Height of Buildings. Except as provided in Section 17.20.050 in a 5-I zone no building shall exceed forty-five (45) feet in height.*

Proposed:

F. Height of Buildings. Except as provided in Section 17.20.050 in a 5-I zone, no building shall exceed thirty-five (35) feet in height.

17.20.050 General exception to building height limitations.

Current:

The following type of structure or structural parts are not subject to the building height limitations of this title: stationery boat hoist in the Port Facility, chimney, tank, church spire, belfry, dome, monument, fire and hose towers, public observation tower mast, aerial, cooling tower, elevator shaft, transmission tower, smokestack, flagpole, radio or television towers and other similar projections.

Note: The Planning Commission may wish to review the general exceptions to see if specific exceptions should be amended. The Planning Commission has no authority to exclude cell towers and utility poles.

17.32.050 Additional standards governing conditional uses.

Current:

B. *Church, Hospital, Nursing Home, Convalescent Home, Retirement Home.*

2. *A church, hospital, nursing home, convalescent home, or retirement home may be built to exceed the height limitations of the zone in which it is located to a maximum height as determined by the State Fire Marshal if the total floor area of the building does not exceed one and one-half times the area of the site and if yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.*

Note: The above standards are applicable when the Planning Commission considers applications and conditions for conditional use permits. The dates at the bottom of this chapter and section of the code indicates that this portion of code may have been adopted in 1977 or 2004. In the time that I have worked with the City (since 2006) there has been no application that would utilize the application of this section of the code. In addition, I do not recall a lot of advocacy for or against this portion of the code when the City Council amended the height restrictions in February of this year. Some members of the City Council expressed concern about whether the above standards are appropriate. It is appropriate to consider amending this section.

Recommendations

At this time, there are some topics where the Planning Commission may require more specific information to be able to justify amendments. Adoption of the two new height limitation amendments that would lower the height restrictions in the Commercial (4-C) zone and the Industrial (5-I) zone must be accompanied by findings. I will suggest some pathways that could provide the information to develop such findings:

1. One area has to do with how other cities on the Oregon Coast deal with their commercial and industrial zone height allowances. The Planning Commission could select a volunteer who could do research and come back with height restrictions in similar commercial and industrial zones in nearby cities. With this information for comparison, the Planning Commission could make a determination about the height restrictions in the (4-C) and (5-I) zones as compared with similar sized Oregon Coastal Cities. This information is something that we could then utilize in our findings.
2. Concerns have been expressed about heights that are in place for the Marine Activity Zone, upper lots The Marine Activity Zone (7-MA) currently has a 45-foot height allowance, which may be found to be appropriate for an industrial / commercial zone at sea level, but all lots within the (7-MA) zone are not at sea level. It is not appropriate for the Planning Commission to determine height restrictions based upon ownership, as has been suggested by some local residents. There are a few height alternatives that could be explored for the Marine Activity Zone, which encompasses Port Properties and others so that properties at the top of Dock Road do not have the ability to develop structures that tower over others. See Attachment B: Here are some alternatives:
 - a. Alternative # 1: Lower the height allowance within the entire (7-MA) zone to 35 feet, and provide additional specific exceptions for specific uses in *Section 17.20.050 General exception to building height limitation*, page 2 of this document. Greater height allowances than in other zones may be appropriate for the Port industrial zone, which is to be a driver of economic development for the City of Port Orford.

Exemptions are an option, but it may be difficult to think of all specific uses that would need to be exempted in order to assure that economic development can occur. Statewide Planning Goal 9: Economic Development, and the City of Port Orford Comprehensive Plan, provide goals to implement Statewide Planning Goal 9: Economic Development.

- b. Alternative # 2: Lower the height allowance for the upper lots so that the height allowances at that elevation are consistent with the Battle Rock Mixed Use Zone (10-MU). In order to make such a determination, it would be necessary for a determination to be made as to the topography and at what point the specific height allowance could best be lowered so that structures built within that area would be consistent with the (10-MU) zone. Any description would need to be specific, and described by descriptions that are not subject to change. For example, tax lots are not a good way to describe such a space because they are subject to change. A road that is permanent may be a better marker.

Any determination about port properties and/or exemptions could be discussed with the Port in that this is a legislative land use decision. The Planning Commission could assign a volunteer, or a few volunteers to research the options addressed in (2), (a) and (b) above. Discussion by members of the Planning Commission with the public or with an applicant prior to the public hearing is not permissible in making a quasi-judicial land use decision. Findings will need to be made to for all decisions. Other options may be appropriate.

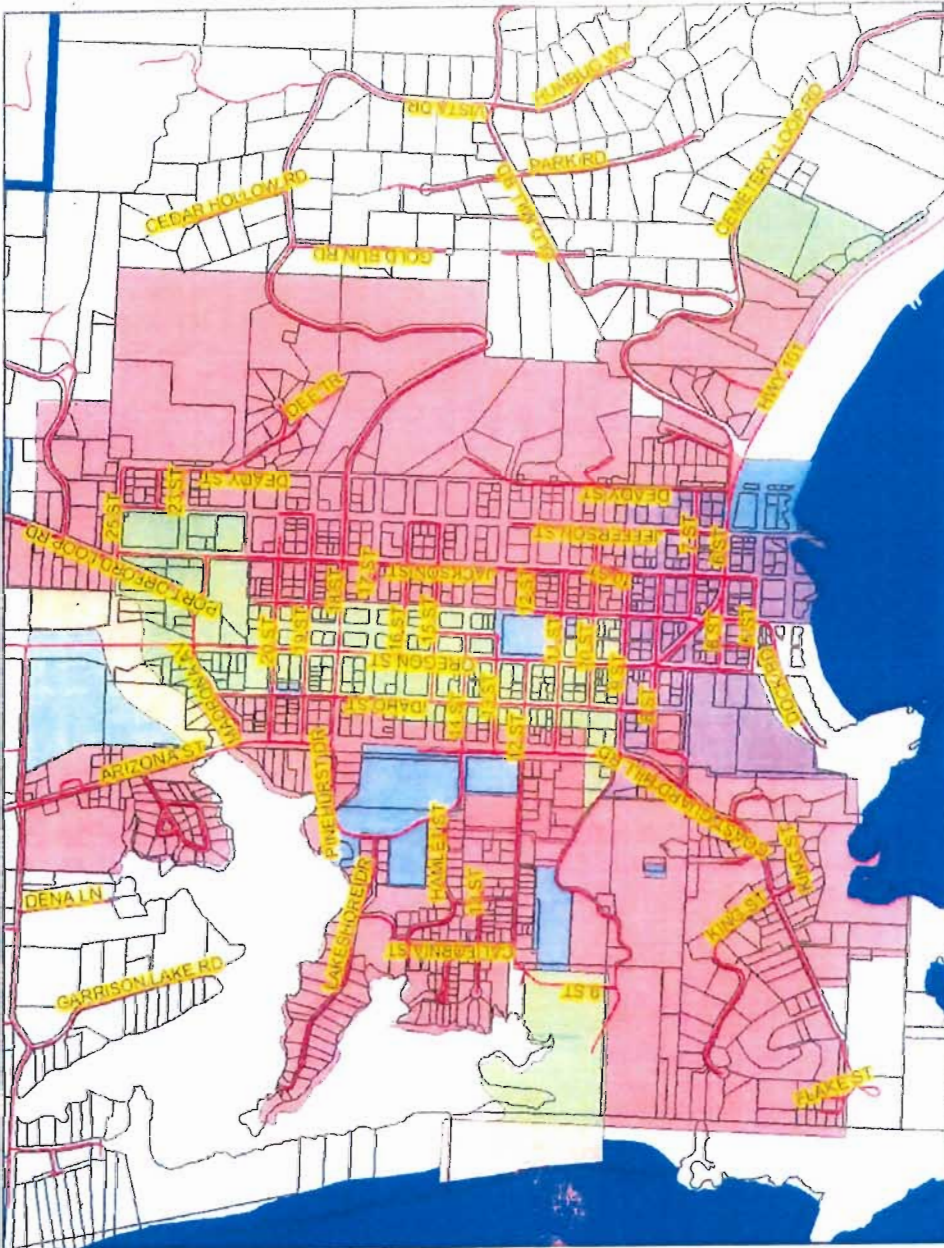
Please discuss the building heights in the (4-C) and (5-I) zones as requested by the Council, and consider how best to obtain additional information that could justify amendments to those zones if the Planning Commission is in favor of lowering the height allowance.

Please consider the height allowance of the upper portion of the (7-MA) zone on Dock Road, and alternatives for dealing with the situation that exists.

Curry County Enterprise GIS



- Legend**
- RIVERS
 - ROADS
 - PARCELS
 - URBAN GROWTH BOUNDARY
 - ZONING_PORT_ORFORD
 - 10-MU
 - 1R
 - 2R
 - IC
 - SI
 - SCD
 - TMA
 - BPF
 - OCEAN



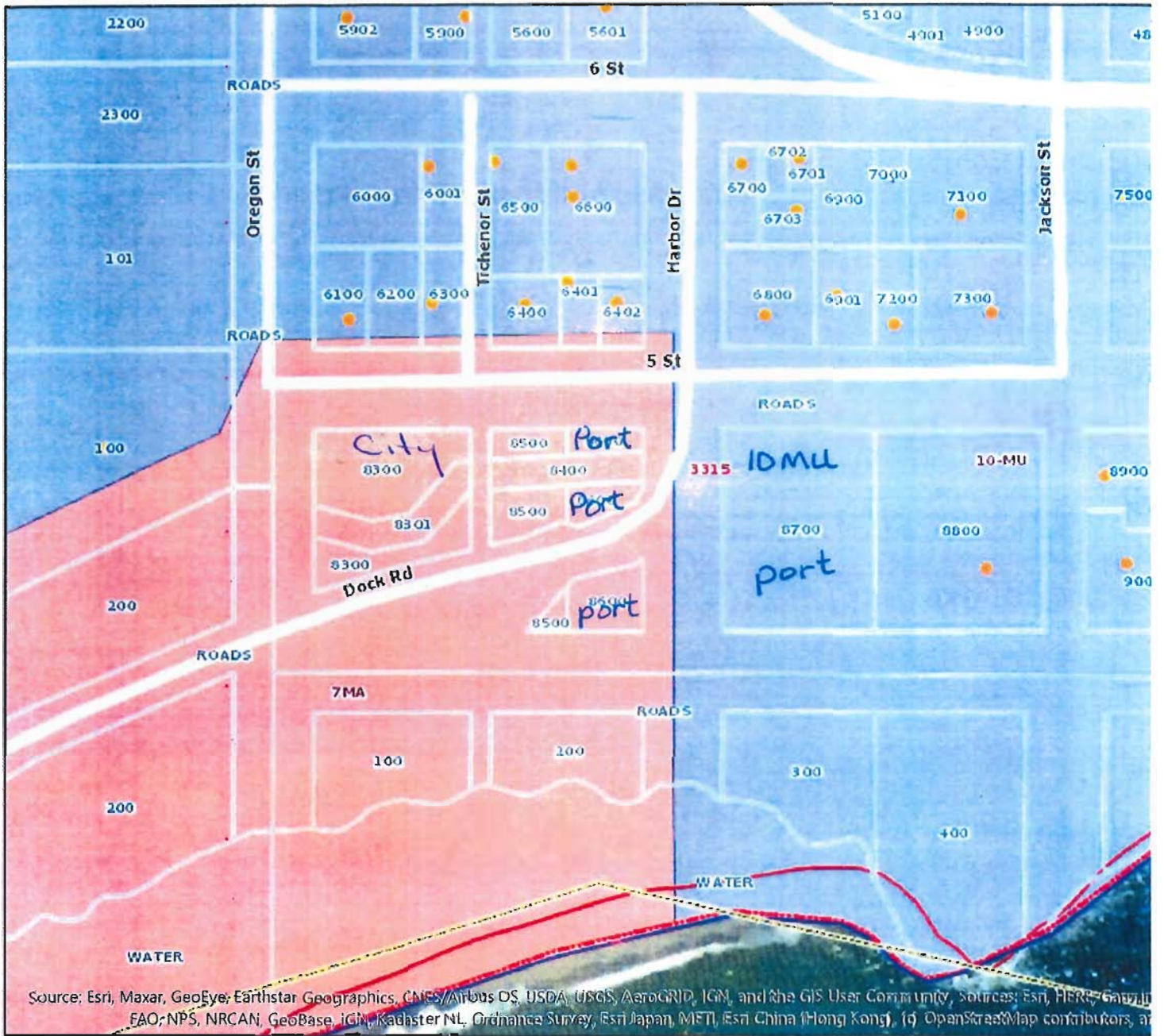
Scale: 1:17,605



Map center: 42° 44' 58" N, 124° 29' 47" W

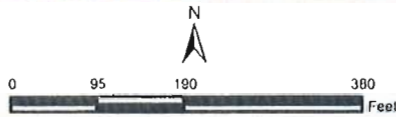


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ArcGIS

Lane County, Oregon

(10-MU) (Blue) Battle Rock Zone
 (7-MA) Marine Activity Zone
 (Pinkish Color)