

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 ODOTs 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.

Abatements 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.