

**PORT ORFORD PLANNING COMMISSION
CITY COUNCIL CHAMBERS, PORT ORFORD CITY HALL
REGULAR MEETING, PUBLIC HEARING and WORKSHOP
Tuesday, June 9, 2020
3:30 PM**

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1. Call to Order
2. Additions to the Agenda
3. Approval of Minutes: March 10, 2020
4. Approval of Agenda
5. Appoint Planning Vice-Chair
6. Comments from the Public
7. Public Hearing
- None
8. Planning Matters

•Dark Sky Ordinance

Other Business

A. Announcements and Communications:

- City Planner Comments
- Planning Commission Comments

B. Old and Continuing Business

- Sign Ordinance

6. Public Considerations
7. Adjourn

CITY OF PORT ORFORD PLANNING COMMISSION
MINUTES OF MEETING

Tuesday, March 10, 2020, 3:30 p.m.
Regular Meeting
Port Orford City Hall, Gable Council Chambers
555 W. 20th Street
Port Orford, Oregon

Date Draft:

Date Corrected:

Date Final:

1. Call to Order.

Chair McHugh called to order the regular meeting of the City of Port Orford Planning Commission for Tuesday, March 20, 2020 at 3:30 p.m.

Those members present were: Chair McHugh, Comm. Schofield, Comm. Willis, Comm. Stetson, Comm. Crosby and Comm. Leonard.

City staff present were City Attorney Kudlac and Planning Assistant Patty Clark.

2. Additions to the Agenda:

None.

3. Approval of Minutes:

Commissioner Stetson made the motion to approve the minutes of Port Orford Planning Commission special meeting dated January 23, 2020 as corrected and amended with Commissioner Willis as second. All approved the motion.

4. Comments from the Public

Penny Sues – A resident of Port Orford speaks on her opposition of the extension of the conditional use permits that are on the agenda for this meeting. ERPD is asking for a third extension on Port Orford permits for effluent pipeline alternatives. The pipeline is meant to serve the golf course. They propose for a location outside of the city at Knapp Ranch. They say they need this extension in order to continue working with the Department of Environmental Quality, DEQ, on a water pollution control facility, WPCF, permit. Ms. Sues says that is not the case and that ERPD has used the same reasoning twice now claiming a need for more time “to finalize the plans, maps and equipment used for the application of

treated effluent for irrigation purposes.” Ms. Sues reports there are obviously problems with the project. Port Orford municipal code allows for extensions not to exceed one year. Ms. Sues quotes from chapter 17.32, Conditional Uses, “17.32.060 Time Limit on a Permit for Conditional use – Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction is taking place; however, the Planning Commission may extend authorization for an additional period not to exceed one year upon written application to the planning commission.” ERPD has already received two extensions of these CUPs in 2018 and 2019, each time for a year. Ms. Sues states it was a violation of the municipal code to grant the extension in 2019, because the code only allows extensions that total one year from the original approval. The only exception to this one-year rule is “if substantial construction has taken place.” No construction at all has taken place to date on any portion of the project. Ms. Sues states, clearly 1) the code does not allow efforts to obtain a DEQ permit to qualify as substantial construction. 2) Allowing extensions to continue indefinitely is explicitly prohibited. Therefore, the request for another extension must be denied. Further, ERPD has not stated nor approved that these CUPs must be active in order to complete its application for a WPCF permit. A pipeline permit must be in hand before construction can begin, but ERPD does not need one before they can obtain a WPCF permit. After this extension is denied, they may reapply for a conditional use permit for their effluent pipeline at a later date. Ms. Sues presents a written testimony.

Ann Vileisis – A resident of Port Orford reports on the matter of the extension of the conditional use permit spoken about by Ms. Sues and states her concern of a sentiment in town that not all laws are followed. She encourages the commission to think about that and not favor some people over others when it comes to which laws are followed. Ms. Vileisis also speaks on the dark sky ordinance. She has submitted testimony and hopes it will be helpful. Ms. Vileisis advised that, as mentioned before, they will be showing a film and extended an invitation to commissioners to attend on Monday, March 23 at 7:00. The film will be in the library. She reports the film shows how lighting in the community can be installed to be good lighting, adequate lighting and have it not be glaring. Invitations are presented.

Teresa Kolibaba – A resident of Port Orford comments on page 8 of the working draft the diagram that shows acceptable and unacceptable fixtures. She points out that at the top there are examples of acceptable and unacceptable lighting fixtures and then below the unacceptable is on the left and acceptable is on the right, which she feels is misleading. She also speaks on the full cut-off streetlight that is supposedly on the corner of 7th and Jackson which shines 200 feet. She does not feel it is an effective cut-off light and needs a shroud.

5. Public Hearing:

None.

6. Planning Matters:

Extension of time on CUP 16.02 and 16.03 Elk River Property Development LLC

A conditional use permit was granted to the Elk River Property Development, LLC, for the purpose of installing a pipe to carry reclaimed water to a golf course on the Knapp Ranch Corporation property north of town.

Commissioner McHugh reports the conditional use permits were originally approved in April of 2017. They were granted an extension in April of 2018 and April of 2019. They are now asking again in March of 2020, early, in order to accommodate time for people that might feel aggrieved by Planning Commission’s decision to make an appeal to council and be heard and complete the process by the anniversary date on the conditional use permit. The conditional use permit was granted to build the golf course on the Knapp Ranch property, which was denied for application of treated reclaimed water on the golf course. The denial was overturned by the Board of Commissioners. The appellant lost in a further appeal to LUBA. The permits for the golf course and the permit to use wastewater are established and approved. Port Orford is being asked to only approve a pipeline route for getting the treated effluent out of the wastewater treatment plant to the golf course.

Commissioner Schofield moved to approve the extension of time on CUP 16.02 and 16.03, Elk River Property Development, LLC with Commissioner Crosby as second. Commissioner Schofield and Commissioner Crosby withdrew this motion and this second to the motion.

Discussion:

Commissioner Stetson asked clarifying questions. Attorney Kudlac reminded commissioners the purpose is not to re-discuss the applications. Commissioners are to address the extension of applications that have already been approved by the planning commission. Today, the commissioners should determine whether or not to grant an extension of the applications.

Commissioner Willis stated his concern that perhaps the commission is being used to offset time due to the fact that Elk River Property Development, LLC might not have the funding. Commissioner McHugh reports they are probably not expected to put a pipeline in if they might not receive a permit to use the pipeline in the future, and these DEQ permits take time for approval. Approval or denial of the extension should be based on Port Orford municipal code, and not the reasons why they are asking for the code.

Commissioner Leonard would like to ask the applicant the reason for the extension.

Commissioner Schofield made a motion to approve the extension of time on CUP 16.02, Elk River Property Development, LLC with Commissioner Crosby as second. ***Motion carried 5-1.***

Discussion: Commissioner McHugh would like the expiration date on the extension specified to be end of business April 19th, 2021. Motion is so modified.

Comm. Willis Yes Comm. Schofield Yes Comm. McHugh No

Comm. Leonard Yes *Comm. Stetson* Yes *Comm. Crosby* Yes.

Commissioner Schofield made a motion to approve the extension of time on CUP 16.03, Elk River Property Development, LLC with expiration date April 19, 2021 at end of business with Commissioner Crosby as second. **Motion carried 5-1.**

Comm. Willis Yes *Comm. Schofield* Yes *Comm. McHugh* No
Comm. Leonard Yes *Comm. Stetson* Yes *Comm. Crosby* Yes.

Outdoor Lighting Code / Dark Sky Ordinance

Commissioner McHugh presented a modified working draft. Each commissioner is asked to take on as an assignment a section of the ordinance to review this month.

Commissioner Willis – Definitions.

Commissioner Schofield – Non-residential Standards and Requirements.

Commissioner Leonard – Prefers not to have just a piece of the ordinance but feels the commission as a whole discusses all sections.

Commissioner Stetson – Prohibitions and Exemptions.

Commissioner Crosby – Enforcement, abatement and penalty.

Commissioner McHugh – Purpose.

Commissioner McHugh informed of the change in wording of purpose. Where it spoke of the relationship of Port Orford residents to night sky has been changed and read to commissioners.

Commissioner Willis reminded commissioners that at the last meeting commissioners discussed the idea of purpose and benefits of the code. Commissioner McHugh will research the content of the last meeting and find wording to support it.

Ann Viliesis reminded commissioners she had submitted in her written testimony language specific to the verbiage in an effort to make a clear clean purpose that put forth the goals of the ordinance easier reading. She would like to see birds and wildlife entered in purpose and benefits.

Definitions

Commissioner Willis reported that foot candle is not needed in the ordinance, since it has been replaced by lumen. Commissioner McHugh defines foot candle as a measurement of the luminates being cast by a lamp. It is not a measurement of the illumination value of the lamp, which would be measured in lumens. Commissioner Willis will update definitions.

Applicability

Owner of electrical codes will not be identified.

Provision 1 – Should not be at the same numbering level as the next statement. Suggested is, “all existing exterior lighting that is not in compliance with this code shall be capped or

shielded to be brought into compliance with this code by a date no later than 180 days from adoption of this ordinance.”

Page 5, 17.15.050, paragraph B, subparagraph 1 is to be removed as agreed on by commissioners. Numbering will be adjusted.

Paragraph 3: “All existing lighting that must be moved, relocated or replaced to be brought in to full compliance with this code shall be temporarily capped or shielded and brought into permanent compliance by a date not later than five years from adoption of this ordinance.”

Attorney Kudlac suggested this is in conflict with prior number 2 giving 180 days for compliance, “all exterior lighting not in compliance should be capped and shielded to bring into compliance.”

- Commissioner Crosby suggests the time allotted for compliance be different for residential and commercial and suggests three years is plenty of time to finance large lighting revisions needed for compliance. Commissioner McHugh reminds that the city council can reduce the timeline for compliance.
- Attorney Kudlac suggests something similar to all existing exterior lighting that does not comply with the code shall be capped or shielded to mitigate light trespass at a date not later than 180 days from adoption with this ordinance. If mitigation fails to bring the light into full compliance, it shall be relocated or replaced, etc., not later than X amount of years. Attorney Kudlac offered to revise paragraphs 2 and 3.

Paragraph 4: Mentions a maximum of 30 days to come into compliant for permit application process. Permits are listed to include certificate of occupancy, complete final inspection or record final plat. Planning clerk Clark reminds commissioners that the City of Port Orford does not inspect the buildings and is not aware of when the county signs them off. The county does not enforce Port Orford code.

7. Announcements and Communications

City Planner: None.

Commissioners: Commissioner McHugh would like to change the agenda to be more consistent with City Council. He would like to have the Approval of Agenda immediately after Approval of Minutes and before Comments from the Public. This would allow a time for items to be added to the agenda. No objections. Commissioners approve to add Approval of Agenda.

Commissioner McHugh expressed his gratitude for those who attended and gave input.

Public: Teresa Kolibaba inquired about the location of the new lights on Highway 101. She heard a year ago that ODOT was putting a crosswalk with a light at Jackson and Highway 101. Information will have to be researched.

8. Future Meetings: Continuation on Outdoor Lighting Code March 10 following the regular meeting of the Planning Commission if commissioners are available.

Regular meeting of the Planning Commission Tuesday, March 10, 2020 at 3:30 p.m.

9. **Chair McHugh adjourned the meeting at 5:25 p.m.**

DRAFT DOCUMENT

MARCH 10, 2020

CHAPTER 15.70 OUTDOOR LIGHTING CODE

SECTIONS:

15.17.010	Title
15.17.020	Purpose
17.15.030	Definitions
15.17.040	Authority
17.15.050	Applicability
17.15.060	General Requirements
17.15.070	Non-Residential Lighting Requirements
17.15.080	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, minimizing light trespass and obtrusive lighting, minimizing light pollution, and preserving 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 conformance with this code.

17.15.030 – Definitions:

The Illuminating Engineering Society of North America (IESNA) Lighting Handbook, most recent edition, and the City of Port Orford Municipal Code shall be used for the definition of terms used in this Ordinance but not defined herein. In the case where a definition of a term is found to be in conflict with a definition or term in any other ordinance, regulation, or IESNA Lighting Handbook, the more restrictive definition will apply.

***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: 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 is required for public safety, as suggested for minimum illuminance levels as published by IESNA in its Recommended Practices.*

***Fixture:** means the complete lighting assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a reflector or mirror, or a refractor or lens. The terms “fixture” and “luminaire” may be used interchangeably in this code.*

***Foot candle:** means the unit of measurement used to quantify the amount of light falling on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.*

***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 a lighting fixture designed, constructed, or installed, so that the lighting elements (i.e. lamps) are not exposed to normal view by motorists or pedestrians, or from adjacent or nearby properties.

Fully Shielded: means a lighting fixture designed, constructed, installed, or shielded in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection from any part of the fixture, is projected below the horizontal plane through the fixture's lowest light-emitting part. For the purpose of this code, 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 unit of measurement used to characterize the color of light emitted by a lamp.

Lamp: means the component of the fixture that produces light (i.e. light bulbs or tubes).

Light Pollution: means any deleterious effect of artificial light including, but not limited to, glare, light trespass, sky glow, visual clutter, excessive or unnecessary lighting, or any artificial light that diminishes the ability to view the night sky or is disruptive to the natural environment.

Light Trespass: means light projected onto an adjacent or nearby property or into the public right-of-way from a light source on a different property.

Lumen: means The 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".

Motion Sensor: means an electronic device that causes a light fixture to turn on or off in response to motion or light or infrared radiation or a combination thereof. A motion sensor is also known as a "motion detector".

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 in place of an existing fixture.

Safety/ security: means (a) sufficient lighting at building entrances, exits, walkways and parking areas to allow customers and employees to see any physical barriers and to be seen at all times as they access to vehicles and sidewalks, and (b) the use of full cutoff lighting fixtures above doors, loading areas, building access points and safety areas. **REVISE**

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 diffuse illumination of the night sky that arises from the use of artificial light directed or reflected upwards or sideways, reducing the ability to view 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 including downwards.

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 from time to time by City Council shall have the authority to require new lighting and existing lighting meet the provisions of this code.

17.15.050 – 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 addition to the provisions of other building, electrical, and sign codes as applicable.
 1. ~~All existing lighting installed prior to the effective date of this Ordinance shall be addressed as follows:~~

2. *All existing exterior lighting that is not in compliance with this code shall be capped or shielded to be brought into compliance with this code by a date no later than one hundred eighty (180) days from adoption of this Ordinance.*
3. All existing lighting that must be moved, relocated, or replaced to be brought into full compliance with this code shall be temporarily capped or shielded and brought into permanent compliance by a date not later than five (5) years from adoption of this Ordinance.
4. All existing lighting located on a property that is a subject of an application for a City Planning Department design review, conditional use, subdivision permit, or building permit shall be brought into compliance with this chapter as follows:
 - a) Compliance shall occur prior to issuance of a certificate of occupancy, final inspection, or recording of a final plat, as applicable.
 - b) For other permits, the applicant shall have a maximum of **thirty (30) days** from date of permit issuance to bring the lighting into 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~~.
- D. Partial Invalidity. If any of the provisions of this code or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this code which can be given effect, and to this end, the provisions of this code are declared to be severable.

17.15.060 – General Requirements:–Lighting Standards

- A. Lighting Plans Required
 1. General Requirements.
 2. Non-Residential Requirements.
- B. *Lighting may be provided which serves public safety and operational needs but which does not directly or indirectly produce detrimental effects on adjacent or nearby properties, significantly reduce property values of adjacent or nearby properties, or which would impair the vision of the traveling public on adjacent roadways.*
- C. *The maximum lumens of any lamp shall not exceed 1,700 lumens.*
- D. *The color temperature of all lamps and fixtures shall not exceed 2,700K except as may be specifically authorized by City Council on recommendation of a certified lighting engineer. E. Lighting fixtures shall be fully shielded or full cutoff fixtures.*
- F. *Direct or indirect illumination shall not exceed 0.2 foot candles upon abutting lots in residential use as measured at the property line.*

- ~~G. Whenever practicable, lighting installations shall include timers and/or motion sensors to reduce overall energy consumption and eliminate unnecessary lighting.~~
- ~~H. Electrical service to outdoor lighting fixtures shall be underground unless the fixtures are mounted directly on utility poles.~~
- ~~I. For the purposes of this code, the mounting height of a lighting fixture shall be defined as 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.~~

17.15.070 - 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. Lighting of such areas shall not be used to attract attention to the businesses.
 - 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, as shown in Appendix A Figure 17.15.090 (A) Canopies and Eaves Lighting Standards.
 - 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. Lighting shall not be used to attract attention to the businesses. 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. Mounting poles shall be located at the minimum setback of the property.
 - 4. All fixtures must face inward and 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.

2. As an alternative in the 10MU zone, the design for a site may adopt the use of parking area lighting fixtures of a particular “period” or “vintage” architectural style.
 - a) If such alternative fixtures are not fully shielded fixtures, the maximum initial lumens generated by each fixture shall not exceed 800 lumens (equivalent to a 60-watt incandescent bulb).
 - b) Mounting heights of such alternative fixtures shall not exceed 15 feet above the elevation of the surface to be illuminated, or the existing grade, or the average elevation of the finished grade, whichever is lower.
 - c) Such alternative fixtures shall not be located closer than three (3) times the mounting height as measured from existing grade or the average elevation of the finished grade to the lowest light emitting part of the fixture.
3. Parking area lighting shall meet the following mounting height, minimum illumination level, and maximum color temperatures.

D. Security lighting. The purpose of and need for security lighting (i.e. lighting for safety of property) must be demonstrated as part of an overall security plan which includes illumination, surveillance, and response plans; and which delineates the area to be illuminated for security purposes. To the extent that the designated areas is illuminated for other purposes (I,e, parking or display), independent security lighting is prohibited.

1. In addition to the application materials required as part of the lighting plan, applications for security lighting installations shall include a written description of the need for and purposes of the security lighting, a site plan showing the area to be secured and the location of all security lighting fixtures, specifications of all fixtures, the horizontal and vertical angles in which light will be directed, and an adequate cross-sections showing how light will be directed only onto the area to be secured.
2. All security lighting fixtures shall be fully shielded and aimed so that illumination is directed inward from the setback at the property boundaries, directed only onto the designated area, and not illuminate other areas. In no case shall lighting be directed above a horizontal plane, and the fixture shall include opaque shields that prevent the light source from being visible from adjacent properties and roadways. The use of general floodlight fixtures is prohibited unless specifically approved by City Council based on recommendation of a certified lighting engineer.
3. Security lighting may illuminate vertical surfaces (e.g. building facades and walls) up to a level 8 feet above grade or 8 feet above the bottoms of doorways or entries, whichever is greater. Security lighting shall not be used to attract attention to the business.
4. Security lighting fixtures may be mounted on poles located no more than 10 feet from the perimeter of the designated secure area.

5. Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located with 5 feet of the perimeter. Sensor activated lights shall be automatically turned off within five (5) minutes after being activated if no additional motion, light, or infrared radiation is detected.
6. Residential security lights shall not be installed or attached to public utility or streetlight poles.
7. Security lighting shall meet the standards of the table below:

17.15.080 - 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.
- C. 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.
- D. ~~All lighting fixtures shall be full cut-off fixtures.~~
- E. Rustic trails built in accordance with the Parks and Recreation Master Plan shall not be illuminated.
- F. 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 17.15.120.A.2, above.
 2. Pedestrian walkways between parking areas and buildings or adjacent to dwellings and offstreet 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 17.15.120.A.2, 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:

- 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, unless otherwise recommended by a certified lighting engineer.
- F. Maximum color temperature shall not exceed ~~2,500K~~ 2700K

15.17.100 – Prohibitions:

Any light source that does not meet the standards and requirements of this code 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 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 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 Ordinance

- A. Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any street lighting and to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside of the public right of way or easement.
- B. Lighting for public monuments and statuary. No exemption shall apply to light directed upward;
- C. Temporary lighting for theatrical, television, performance areas, and construction sites;
- D. 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.
- E. Lighting that is only used under emergency conditions;
- F. Low voltage landscape lighting not exceeding 200 lumens per fixture and aimed so that glare is not visible from adjacent properties;
- G. Lighting specified or identified in a temporary use permit;
- H. Lighting required by federal or state laws or regulations.

15.17.120 - ~~Notice~~: Acceptance

The applicant shall, by signing the permit application, agree to comply with the provisions of this Ordinance, 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, any peace officer, as defined by ORS 161.015, the Director of the Public Works Department, or any other individual who may from time to time be designated by City Council shall enforce this chapter.

Violations. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof, is punishable by a fine of not more than \$500.00.

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

Notification and Order. The City Council, the Director of the Public Works Department, or any other individual who may from time to time be designated by City Council shall 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 on the notice of violation.

Penalty. Any violation of this code, or any portion of this code, shall be considered a civil infraction and is subject to penalties not to exceed the amount of the maximum fine for a Class C misdemeanor. Each day the violation continues shall constitute a separate violation.

17.15.030 – Definitions:

The Illuminating Engineering Society of North America (IESNA) Lighting Handbook, most recent edition, and the City of Port Orford Municipal Code shall be used for the definition of terms used in this Ordinance but not defined herein. In the case where a definition of a term is found to be in conflict with a definition or term in any other ordinance, regulation, or IESNA Lighting Handbook, the more restrictive definition will apply.

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: 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 is required for public safety, as suggested for minimum illuminance levels as published by IESNA in its Recommended Practices.

Fixture: means the complete lighting assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a reflector or mirror, or a refractor or lens. The terms "fixture" and "luminaire" may be used interchangeably in this code.

Foot candle: means the unit of measurement used to quantify the amount of light falling on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.

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 a lighting fixture designed, constructed, or installed, so that the lighting elements (i.e. lamps) are not exposed to normal view by motorists or pedestrians, or from adjacent or nearby properties.

Fully Shielded: means a lighting fixture designed, constructed, installed, or shielded in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection from any part of the fixture, is projected below the

horizontal plane through the fixture's lowest light-emitting part. For the purpose of this code, 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 unit of measurement used to characterize the color of light emitted by a lamp.

Lamp: means the component of the fixture that produces light (i.e. light bulbs or tubes).

Light Pollution: means any deleterious effect of artificial light including, but not limited to, glare, light trespass, sky glow, visual clutter, excessive or unnecessary lighting, or any artificial light that diminishes the ability to view the night sky or is disruptive to the natural environment.

Light Trespass: means light projected onto an adjacent or nearby property or into the public right-of-way from a light source on a different property.

Lumen: means The 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".

Motion Sensor: means an electronic device that causes a light fixture to turn on or off in response to motion or light or infrared radiation or a combination thereof. A motion sensor is also known as a "motion detector".

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 in place of an existing fixture.

Safety/ security: means (a) sufficient lighting at building entrances, exits, walkways and parking areas to allow customers and employees to see any physical barriers and to be seen at all times as they access to vehicles and sidewalks, and (b) the use of full cutoff lighting fixtures above doors, loading areas, building access points and safety are s. **REVISE**

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 diffuse illumination of the night sky that arises from the use of artificial light directed or reflected upwards or sideways, reducing the ability to view 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 including downwards.

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.

17.15.070 - 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. **Lighting of such areas shall not be used to attract attention to the businesses.** (To me, this last sentence is weird. As a business owner, you want to attract attention to the business. A well-lit entrance is inviting and suggests "this is a safe place to be." Just my two cents.)
1. Lighting fixtures mounted on canopies and/or eaves shall be designed, constructed, or install 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, as shown in Appendix A Figure 17.15.090 (A) Canopies and Eaves Lighting Standards.
 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. **Lighting shall not be used to attract attention to the businesses.** (Weird) 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. Mounting poles shall be located at the minimum setback of the property.
 4. All fixture must face inward and 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.
 2. As an alternative in the 10MU zone, the design for a site may adopt the use of parking area lighting fixtures of a particular "period" or "vintage" architectural style.

- a) If such alternative fixtures are not fully shielded fixtures, the maximum initial lumens generated by each fixture shall not exceed 800 lumens (equivalent to a 60-watt incandescent bulb).
 - b) Mounting heights of such alternative fixtures shall not exceed 15 feet above the elevation of the surface to be illuminated, or the existing grade, or the average elevation of the finished grade, whichever is lower.
 - c) Such alternative fixtures shall not be located closer than three (3) times the mounting height as measured from existing grade or the average elevation of the finished grade to the lowest light emitting part of the fixture.
3. Parking area lighting shall meet the following mounting height, minimum illumination level, and maximum color temperatures.

D. Security lighting. The purpose of and need for security lighting (i.e. lighting for safety of property) must be demonstrated as part of an overall security plan which includes illumination, surveillance, and response plans; and which delineates the area to be illuminated for security purposes. To the extent that the designated areas is illuminated for other purposes (I.e, parking or display), independent security lighting is prohibited.

1. In addition to the application materials required as part of the lighting plan, applications for security lighting installations shall include a written description of the need for and purposes of the security lighting, a site plan showing the area to be secured and the location of all security lighting fixtures, specifications of all fixtures, the horizontal and vertical angles in which light will be directed, and an adequate cross-sections showing how light will be directed only onto the area to be secured.
2. All security lighting fixtures shall be fully shielded and aimed so that illumination is directed inward from the setback at the property boundaries, directed only onto the designated area, and not illuminate other areas. In no case shall lighting be directed above a horizontal plane, and the fixture shall include opaque shields that prevent the light source from being visible from adjacent properties and roadways. The use of general floodlight fixtures is prohibited unless specifically approved by City Council based on recommendation of a certified lighting engineer.
3. Security lighting may illuminate vertical surfaces (e.g. building facades and walls) up to a level 8 feet above grade or 8 feet above the bottoms of doorways or entries, whichever is greater. Security lighting shall not be used to attract attention to the business. (Driving through town I've noticed 8ft. might not be adequate. Most of the eves above doorways are higher than 8ft. For example, my bar door has a light above it in the eve which is at approximately 12ft. The eve acts as a shield and the light is directed downward. As a business owner, I believe it's important to provide a welcoming and well-lit doorway.)

4. Security lighting fixtures may be mounted on poles located no more than 10 feet from the perimeter of the designated secure area.
5. Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located within 5 feet of the perimeter. Sensor activated lights shall be automatically turned off within five (5) minutes after being activated if no additional motion, light, or infrared radiation is detected. (My thoughts on motion sensors are this: I would like to see 10-12 feet from the perimeter and less time (3) minutes. There's a lot of animal and tweaker activity late night/early morning. I see things on my security system around my building. Ten to 12 feet will alert the intruder sooner and three minutes is plenty of time because they are likely to leave the area).
6. Residential security lights shall not be installed or attached to public utility or streetlight poles.
7. Security lighting shall meet the standards of the table below:

17.15.050 – 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 nonconformance through shielding or capping of the offensive light(s) within one hundred and eighty (180) days of the effective date of this chapter.
 - 2. If mitigation cannot bring the offensive lights into complete compliance with this chapter, the lights must be 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.
- D. Partial Invalidity. If any of the provisions of this code or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this code which can be given effect, and to this end, the provisions of this code are declared to be severable.

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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, 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 ordinance.

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

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 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.

Violation/Penalties. Any person who violates any of the provisions of this code will be guilty of a class C misdemeanor and upon conviction thereof, is punishable by a fine not to exceed the maximum allowed by law. Each day the violation is in non-compliance the fine shall continue to accrue until subject lighting is brought into compliance.

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