

February 2, 2021

To: Planning Commission
From: Justin Peterson, Contract City Planner
Re: Draft Amendments Lighting

After the City Council meeting Planning Commission members submitted some comments about the Lighting Ordinance. The comments are included in the packet. The following bullets expand on some of the comments and answer some of Planning Commission member questions.

- The highlighted comments sections are not proposed to be removed unless in strikethrough. “or equal to” (YMC 9.42.050(A)(2)(b)) is not proposed to be removed.
- The code is proposed to be updated from three or more residential units to multi-family. Multi-family is defined in the Yachats Code. “Dwelling, Multifamily. “Multifamily dwelling” means a building containing three (3) or more dwelling units.”
- YMC 9.42.050(C)(1) was updated to say “commercial uses” this is consistent with the single-family or two-family residential uses and multi-family residential uses. Planning Commission can choose not to make the change.
- The parking spaces standard in YMC 9.42.070(B)(2) was shown in strikethrough in the draft sent to City Council. The attorney commented that the three different measures of 25% seemed awkward. Planning Commission could choose to keep parking spaces.
- The images require copyright permission. Giving credit is not the same as permission. Figure 3 is an image of glare from car lights. Are car lights regulated by this ordinance?
- The variance criteria are listed in YMC 9.80. The criteria for a variance requires that the variance be necessary as a result of a physical aspect of the lot. The attorney could not think of an example where someone could meet the criteria on his initial review.

The paragraphs and information below is mostly copied from the January 20, 2021 City Council memo. The Planning Commission may discuss the items below.

Upon further review the Lighting Ordinance and consultation with the City Attorney Staff believes there are areas where the record can be improved to support the proposed language and policy choices. The goal is to strengthen the record so Planning Commission and City Council can make a decision based on the facts in the record.

Here some questions that City Council and Planning Commission may consider:

- How much do marine lights cost? The amount of time you give a business or property owner to replace equipment should have some relationship to the expense of the equipment. The more expensive the equipment the more time the City would want to allow for compliance.
- Planning Commission was interested in a separate compliance timeline for residential vs commercial uses. What is the difference between a residential marine light vs. a commercial marine light? If they are the same fixture then there is not much reason to treat them differently.
- As to the curfew, is there evidence in the record as to why light after 11PM is harmful, as compared to light before 11PM? During the winter, that would allow the lights to be on for at least five hours; during the summer, only a couple hours. The record should have information about why 11PM is important for this type of lighting and the harm it causes.

Other comments included:

- A need to clarify the meaning of “bright” in the Marine lighting definition.
- A need to better define temporary.
- A question about official copyright permission for the images.
- Instead of stating “after the passage of this ordinance” defining a specific date.
- A need for an administrative process to review rather than the standard variance process. It is unclear how a lighting regulation could meet the variance requirements.
- YMC 9.42.070(2)(c) is not a regulation. As such, it does not belong in the Code.
- YMC 9.42.050(E) should be removed since it is not a regulation.

Last comments from the City Attorney included minor text edits, formatting edits, and updating terms formatting to match existing formatting in YMC 9.04. The attached Ordinance has track changes identifying suggested text edits.

Public Hearing History: At the October 20, 2020 Planning Commission meeting the decision was made to continue the hearing to October 28, 2020. At the October 28, 2020 continued Planning Commission meeting, the Commission passed a motion to forward the attached recommended amendment to Yachats Municipal Code to City Council. The Planning Commission identified several changes that are noted in the memo dated November 10, 2020 to the lighting ordinance. The City Council remanded the draft Ordinance back to the Planning Commission at the November 18, 2020 meeting. Planning Commission discussed the Ordinance at the December 1, 2020 Planning Commission meeting. Planning Commission voted to recommend approval and forward the Ordinance to City Council at the December 21, 2020

meeting. City Council remanded the Ordinance back to Planning Commission at the January 20, 2021 meeting.

Issue/Question: Does the Municipal Code address lighting within the City of Yachats in a manner which supports the goals of the Comprehensive Plan?

Explanation: The Municipal Code currently addresses lighting minimally and without specificity; restricting exterior lighting directed to adjacent property (broadly defined by use).

See Section 5.08.165 Exterior lighting.

A. Exterior lighting shall not be directed from the property of the owner onto private residential or commercial property, streets, parklands, or other public properties.

The City of Yachats Comprehensive Plan GOAL D Conservation of Energy and **GOAL G** Control of Urban Growth and Form to sustain the small - town, ocean - side character of the Yachats Community supports the addition of a comprehensive lighting strategy which requires energy efficient lighting standards and addresses the adverse effects of bright, outdoor lighting, light trespass and glare.

Staff received additional written comment/question from Mary Coolidge on January 21, 2021 after the January 20, 2021 City Council Meeting. The comment is added to the packet.

Planning Commission Action:

1. The Planning Commission may recommend approval,
2. Recommend approval with modifications
3. Deny or
4. Continue the Public Hearing to another date and time.

Example Motion:

To recommend approval of the proposed amendment to the Yachats Municipal Code based on the testimony received, the findings within the staff report, and the evidence and arguments before the Planning Commission at the public hearings. The Planning Commission determines that the request by the City of Yachats to add Section §9.42.050 and amend Section §9.04.030, of the Yachats Municipal Code. The Planning Commission hereby adopts the staff memo as findings and the other evidence in the record as findings supporting its decision and recommends approval of the Ordinance.

Attachments:

1. Draft Ordinance with Track Changes
2. Draft Ordinance before Track Changes with recent changes highlighted.
3. Public Comments
4. Planning Commission Members Comments and Research
5. Staff memos from earlier public meetings (October 20, 2020, November 10, 2020, and the January 20, 2021)