

**MINUTES SEASIDE PLANNING COMMISSION**  
**May 1, 2012**

**CALL TO ORDER:** Chair Tom Horning called the regular meeting of the Seaside Planning Commission to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE:** Commissioners present: Steve Winters, Virginia Dideum, Ray Romine, Tom Horning, Chris Hoth, Bill Carpenter, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

**OPENING REMARKS & CONFLICT OF INTEREST/EXPARTE CONTACT:** Chair Horning asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There was no response. Chair Horning then asked if any of the Commissioners wished to declare a conflict of interest or exparte contact. There was no response.

**APPROVAL OF MINUTES:** Motion to approve the April 3, 2012 minutes;  
Commissioner Hoth made a motion to approve the minutes as submitted. Commissioner Romine seconded the motion was carried unanimously.

**PUBLIC HEARING REQUIREMENTS:**

The following public hearing statements were read by Chair Horning:

1. The applicable substantive criteria for the hearing items are listed in the staff report(s) prepared for this hearing.
2. Testimony and evidence shall be directed toward the substantive criteria listed in the staff report(s) or other criteria in the plan or land use regulation, which you believe applies to the decision.
3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.
4. The applicant will testify first, then any opposition will testify, and then the applicant will be given time for rebuttal.

**PUBLIC HEARING: None**

**ORDINANCE ADMINISTRATION:**

Mr. Cupples stated the City Council has asked to join the Planning Commission on the next work session to discuss lighting ordinances and the sign ordinance. This evenings meeting is to go over what should be brought forward to the joint work session. Tonight's meeting is a public hearing but we are still in the work session mode. The City Council has asked for information regarding the sign ordinance, specifically sandwich boards, banners and flag signs. Mr. Cupples can cover what is allowed under the current ordinance and then it will be up to the Planning Commission, City Council to propose any changes with input from the public. If there are some changes that need to be made. Is everyone aware of what the regulations currently are. Part of this is education and the other part is determining if we need to propose an amendment to the ordinance. If you get into the amendment part then there will be a public hearing with a specific item on the agenda. Next testimony will be given from the public and then the Planning Commission will give there recommendation to the City Council. The City Council then can pass an ordinance or amendment the current ordinance.

At the Planning Commission work sessions we have reviewed a couple of lighting ordinances and the City of Sisters seems to be the least restrictive. We have also printed out examples of lighting fixtures to give you an idea of what is out there. Mr. Cupples would like the Planning Commission to write down any questions they may have and forward it to him before the joint work session so that they can be addresses at that time.

**Lighting Ordinance:**

Commissioner Hoth stated that he thinks it's a good idea as long as it's not to restrictive. What kind of lighting would this apply to? Residential? Commercial? We need to be practical. What kind of expense is involved? How restrictive do we need to be? If we do something like this what are the problems that it might create? Who's going to enforce it?

Mr. Cupples stated that we would need to get public input on what the citizens want.

Commissioner Winters stated that we are inundated with regulations, City regulations, County regulations, State regulations, Federal regulations. You have someone going around the neighborhood and checking on other peoples lights and trying to push regulations on them. It's just not right. We are talking about a lighting ordinance and we have gone into a discussion where permits will be required when there are permits required

that means more money taken out of the peoples pocket. If you don't like the city lights then move out of the city. We have a nuisance ordinance, use that, it's good enough. This is a waste of time and paper. We are being regulated to death as it is. The minute we put this ordinance into affect, it's just the first step into more regulations. If the light bothers you then shut your shade, and that's his opinion. Somebody has to come forward and say enough is enough. It's a great passion, it's a great thing but it doesn't mean it's the right thing. Commissioner Ridout stated that he doesn't see this as a problem, there's nothing broken so we don't need to fix it.

Commissioner Romine asked what are the advantages, and what do we gain?

Chair Horning stated livability in the city should be promoted. Light in the wrong place and the wrong intensity is a form of light pollution. Odors are a form of pollution, noise is a form of pollution we don't have medal fabrication plants next to hospices. We have outright permits for outright uses in certain zones. We have conditional uses and we have band uses. You do not put pig farms next to churches and you don't put heavy equipment next to hospitals. These are just examples that are obvious. There are some things that just merge into the background. Technology has advanced and with these new sodium vapor lamps have the ability to cast light on the neighbors or neighboring properties. There are also effects on wildlife and since we are adopting the Estuary as a Natural History Park and the Comprehensive Plan calls for maintaining livability in the natural areas of the city it seems casting light into these areas is a bad thing. We can have urbanization and urban living with responsible lighting and we can have that compatible with natural areas within the city. Without care we condemn the natural areas into becoming less than natural. One of the things you could look at is the financial aspect of it. Two thirds of the cities income comes from transfer payments and not tourist payments. We can have urbanization without impact. If the town becomes less desirable then we have fewer jobs. Chair Horning has been working with Mr. Cupples over the past 15 or so years on light pollution even before he was on the Planning Commission. Obviously other communities feel there is an issue as well because they have lighting ordinances.

Commissioner Hoth stated that this should benefit people and what is the concrete benefit in having a lighting ordinance. The one that comes about is the economic and attractiveness of the city. Image is everything these days. If you create a pleasant and more attractive environment then more people will come. If you want to take a quiet walk on the beach and look at the stars at night, it won't happen if you are walking in front of the Hi-tide Motel because their lights shining on the beach are so bright. So this would be a great benefit for having some kind of lighting ordinance.

Commissioner Romine stated that if you got the viewpoint from the Hi-tide they would say they like it the way it is. The view from the hotel room at night is nice with the lights shining on the beach and being able to see the waves. The concept has been accepted in other communities so now we have to figure out how it would work best in our community.

Commissioner Winters stated that it is a minority at best with communities around the US that have lighting ordinances. Who is going to police this? We don't need lighting Nazi's going around town telling people what kind of lighting they have to have on their homes.

Commissioner Romine asked Mr. Cupples about the City of Sister's lighting ordinance; it seems very simple and non-intrusive. The thing that comes to mind is enforcement. This new ordinance would easily be implemented with new construction because of the inspection process. Also being a builder and knowing that lighting selections are limited to lights that would comply with this ordinance. People wouldn't be able to go down to the local builders supply and have a great selection or maybe not even be able to buy it off the shelf.

Chair Horning stated that this may be creating a certain market just for these types of lighting fixtures.

Commissioner Winters stated that it is just more money that the citizens will have to pay in order to comply with these new regulations.

Commissioner Romine stated that he is on the fence on this at the moment because he can see both sides of the issue. He was explaining to Commissioner Winters earlier, he has a neighbor's lights that were intrusive and he went over and talked with the neighbor and the situation was handled. We have a nuisance ordinance on how someone must keep their property, does this fit under that. Mr. Cupples stated that it in a way it does because if something is annoying to someone we can take that pretty far. The nuisance ordinance by itself tries to identify what is called enumerated nuisances that is construction noise between x and y and bugles or stereos playing over a certain level. There are specific nuisances outlined in our nuisance ordinance. If someone put up a flood light that shines directly at your house or at your car that could be a problem and can be taken care of right now under the nuisance ordinance. You could put that in as an enumerated nuisance where we put this in as a specific nuisance, regarding annoying or causing direct glare upon another person property. Commissioner Hoth stated that he is not approaching this as a nuisance he is approaching this as something the City can do and what are the benefits to those affected by it.

Chair Horning asked if anyone in the audience had any comments? Someone asked if Chair Horning's concern is in neighborhoods or in the commercial areas? Where is the main concern? Chair Horning stated that he would like to keep the natural areas of the city natural, if there are outstanding problems that occur in neighborhoods then they should be resolved, and then in the business district. The business district should be

able to have better lighting for the sake of their business but not have the lighting shine onto other properties. There will be different requirements for different areas of the city. Someone else mentioned that he moved here from California and there were lighting ordinances in many cities. They do affect the wildlife and the wildlife migration. In the City of Seaside you have so many zones, if you are going to have a lighting ordinance then it should be based on the amount of lumens' and you need restrictions in certain zones where they can have certain lighting. Someone else mentioned that if you are going to have a lighting ordinance it should not involve residential zones. Where he sees lighting as a nuisance is where the lights are shining on the beach. The beach is a natural area and shouldn't be all lit up. For safety it's a good thing but other than that it's a nuisance. But regarding residential neighborhoods and the neighbor's security light coming on for 15 seconds isn't the problem. Commissioner Winters asked about lighting of the US Flags. It says any new flags must be lit in a downcast manner in order to be dark sky compliant. When you hang a flag off a flag pole its up in the air and the law says that you must light that flag. If you have a downcast light, what this is saying is that you have to have a light at the top of the flagpole. So every person that gets a flagpole will have to hire a lift to put the light up there and then hire a lift for every time you need to change the light bulb. It just doesn't make economic sense.

Commissioner Carpenter made a motion to move on to the sign ordinance. Commissioner Winters seconded the motion and it was carried unanimously.

### **Sign Ordinance:**

Mr. Cupples stated that the second part of the meeting we will be discussing the sign ordinance. The City Council has asked that we discuss the sign ordinance. This started a while ago when Ace Hardware put out the fishing pole looking signs (flag pole signs). They put them in the flowerbeds in the public right of way. Those were not in compliance. Ace was contacted and they removed them. With new businesses we grant them latitude with Grand Opening or Closing signage. They can have special signage during that period, but they cannot have signs in the right of way. There is an allowance to have projecting signs over the right of way from a building unlike other areas we say signs are not allowed. If someone wants to have a banner hanging over Broadway they go to the public works department to put that up and it's only temporary.

Almost all of last year we had a sign battle going on in the downtown core area. In part it was due to the construction going on at Trendwest and another part people wanted to put their sandwich boards in the right of way. Specifically along S Columbia because they didn't feel like they were drawing in any customers. What happened is they started putting sandwich boards out. We thought they were in the public right of way but it turns out that when Trendwest built the building they set the building back and so technically the signs were on private property. On Broadway most of the buildings are built right up to the public right of way. So what happens is that those businesses that have a recessed door can put the sandwich boards there and the ones that don't put theirs in the public right of way thinking that it's ok. This creates an enforcement issue.

What sparked the interest of the City Council were the sandwich board signs and feather flags in the flag pole holes in the downtown core area which the holes were intended to put US Flags in on certain holidays. Our city ordinance states that no signs are allowed in the public right of way.

Commissioner Dideum stated that at the SDDA meeting Mark Winstanley was there and the one thing that Mark repeated over and over was that these signs are on city land and this is a liability issue. He gets complaints all the time, people walking with their children and they say their kids have run into them and people walking their dogs and the dog's leashes get caught up on them. Commissioner Dideum stated that Mr. Winstanley said that it comes down to city liability. Another issue is that not all businesses in the downtown core area have flag pole holes in front of their business. Those holes were drilled by the city and re-drilled in early 80's. The chamber puts out the flags 8 times a year. The Chamber Ambassadors puts out the flags and those holes were drilled for that service. Of all the flags that were out a couple of weeks ago there were only 3 businesses that used the flag pole holes.

Karen with Beach Books stated that she has never had anyone complain or run into her flag the whole time it's been up. It could happen but it hasn't. On windy days she brings it in.

Commissioner Dideum stated that Karen's business is on a side street and Karen would like to have a street sign that says more business's this way. The other thing is that all the feather flag signs be consistent.

Rockaway has lots of flags and they are used as a decoration and to let people know they are open.

Commissioner Hoth asked how would the businesses feel about having sandwich board signs and feather flags up and down Broadway. Karen with Beach Books said that it would be nice and inviting.

Mark the owner of the Espresso stand stated that there are other issues here: who is regulating the bicycles that are on the sidewalk, they lean them against the poles and the buildings. At the Trendwest building they are not allowed to put signs on the exterior of the building. Commissioner Hoth asked how he felt about the sandwich boards. Mark stated he was just fine with them. If you want people to come here then you want them to know what businesses are open.

Commissioner Winters asked Mark (espresso owner) how he would feel if the business owners all got together and came up with a design that all business could agree with. Mark stated that the feather flags do not bother anyone. It's a service for tourist to come to town and know what kind of business it is and whether it's open or not. The feather flags are just more appealing, you see them in Rockaway, Warrenton and Astoria. Mark also stated if it's a liability issue then charge people \$25. a year to use those holes and buy the insurance. Or the businesses can provide their own insurance.

Chair Horning asked if Mr. Cupples could give a history on the sign ordinance. Mr. Cupples stated that the sign ordinance was in place when he came to work for the city.

Commissioner Ridout stated that he was on the Council when the sign ordinance went into affect. He stated that with the urban renewal, one of the biggest things that the business owners wanted was to clean up Broadway and get rid of the carnival atmosphere downtown. The sign ordinance was designed by the downtown businesses at that time. Over time owners have changed, attitudes have changed and advertising has changed. If the business community can come up with a way that the vast majority can agree with why would anybody object to it. Commissioner Hoth agrees. Commissioner Ridout stated that basically when you are talking about the city right of way or public sidewalks the people who are putting out these flags out do not have any right to say anything because it is a city owned sidewalk. If those holes are going to be used for personal use then they have to get the cities approval. The business owners need to get together and come up with a plan that they want and come back with that agreed upon idea. Karen stated that through the chamber and the SDDA the business owners should be able to come up with something to bring back to the Planning Commission.

Commissioner Romine stated that there should be a council representative or a city representative on the board also.

David with Tsunami Sandwich stated that city can easily set a regulation that states the sign needs to be of this size and look like this and if you have a feather flag sign then you need to show that you have liability insurance. If the business owners want to have sandwich boards just make all of the sandwich boards be the same size. He hasn't seen a problem with people running into them or tripping on them. If there are people who don't want to advertise that way then they don't have to. Mr. Cupples stated that with Tsunami Sandwich and other businesses that lease from Trendwest they cannot have signs protruding from building because that's one of the contingencies in their lease agreement. Other business in the downtown core area can have signs protruding from the building but there are restrictions. Mr. Cupples asked how the businesses feel about having everyone have these feather flags? Would it look too cluttered? The businesses that were in the audience stated that they thought it was fine. It actually looks like the town is alive when you have these flags out. Just like on a Holiday when the US flags are in the holes.

Commissioner Hoth asked if the owners of these businesses will have to go to the City Council or do they go to Planning Commission? Mr. Cupples stated they can go to a joint work session and then have that discussion; any of those options will work. David with Tsunami sandwich stated to assume that the SDDA or the Chamber of Commerce speaks for the businesses downtown is not the way to go. He sits on the Board for the Chamber of Commerce and doesn't believe that they speak for his business. Also members of the Chamber of Commerce are from other areas of the county and do not and cannot speak for the businesses in the downtown area. Mark (espresso owner) stated that the business owners are here to speak to the Planning Commission because they are the regulatory agency in Seaside and that's who they want to speak with. Chair Horning stated that it seems like the city goes through cycles. Seaside was fairly regulated and that was one of the reasons that the downtown businesses got together and got a theme together coordinating their efforts with signage in the downtown core area. Times change, tastes have changed and owners have changed it may be that we need a flexible sign ordinance that reflex the times. At what point do the feather flag become obsolete are they going to be outdated and then are we going to have to come back and see what the new thing is. Commissioner Carpenter asked what is the cost of one of the feather flags. David from Tsunami sandwich stated that it is about \$60.00 including the pole. Mr. Cupples stated that if the business owners are going to be putting something in the right of way it will probably be something that is not covered under the cities sign ordinance; it will be some kind of right of way use permit. It will probably be the city council stating that yes you can put something in the cities right of way. Also on Flag Day what is going to happen to the US flags then? Mark (espresso owner) stated that then the business flags will not be in the holes but the US flags will be. David asked if the city has people who are doing things on city property, do they have to sign a waiver of liability? Mr. Cupples stated he's not sure how this will work, and it's something that will need to be discussed. David stated that his thought was that the sign owners should have something that states that they have liability insurance. Commissioner Ridout stated if someone wants to say it's a liability issue, it's just an excuse to kill the deal. If this is something that you want to happen then let's do it.

Mr. Cupples stated that these discussions will continue on May 15<sup>th</sup> 2012, at 7pm at a joint work session with the City Council and the Planning Commission.

Commissioner Ridout and Commissioner Dideum stated that they will not be able to attend.

Commissioner Hoth mentioned to the people in the audience that they should get together and bring some of their ideas to the work session so the City Council will have an idea of what the business owners want.

Mr. Cupples stated that the City Council has the authority over the public right of way. This could be a change in policy.

**COMMENTS FROM THE PUBLIC: None**

**COMMENTS FROM COMMISSION/STAFF: None**

**ADJOURNMENT:** Adjourned at 8:30 pm.

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Tom Horning, Chairperson

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Debbie Kenyon, Admin. Assistant