

DEPARTMENT OF COMMUNITY SERVICES
LAND USE AND TRANSPORTATION PROGRAM
MULTNOMAH COUNTY PLANNING COMMISSION

MINUTES OF MARCH 7, 2016

- I. **Call to Order:** Chair John Ingle called the meeting to order at 6:30 p.m. on Monday, March 7, 2016 at the Multnomah Building, Room 101, located at 501 SE Hawthorne Blvd., Portland, OR.
- II. **Roll Call:** Present - Ingle, Vice-Chair Jim Kessinger, Chris Foster, Bill Kabeiseman, Timothy Wood, Katharina Lorenz
Absent – Alicia Denney, Jeremy Sievert, Susan Silodor
- III. **Approval of Minutes: February 1, 2016.**
Motion by Foster; seconded by Lorenz.
Motion passed unanimously.
- IV. **Opportunity to Comment on Non-Agenda Items:**
None.
- V. **Worksession: Dark Sky Lighting Requirements (PC-2013-3056)**
Adam Barber, Senior Planner started off by presenting two dark sky videos. The first was "Losing the Dark" (6 min. 25 seconds) and the second was "The Ambush" (2 min. 11 seconds). Both videos were accessed at <http://darksky.org/resources/videos/> at approximately 18:45 on March 7, 2016. He followed this with the staff report, which introduced the dark sky concept by talking about the preservation of the night sky, the impacts on human health and wildlife, and safety factors. Barber noted that this is one of the few pollutions that is easy to remedy, it's cost effective, and the results are immediate. It is a simple problem to solve, yet this pollution is increasing faster than our population. This proposal is focusing on the lighting design for the exterior lighting and the housing that the light bulb sits within. This solution can be effective, simple and cheap. Our goal is to apply consistent dark sky regulations for development throughout the County.

Barber said that because Oregon law preempts the County from adopting retroactive ordinances, we do not have the authority to require that all existing lighting come into compliance by a certain date. We can, however, require Dark Sky compliance for all new and existing lighting associated with proposed development. The proposed code amendments are outlined in the staff report.

Barber proceeded to go through the staff report, beginning with the definition of exterior lighting. Next was a reference in Section 4.2 for a regulatory trigger in each of the zoning districts, which will include dimensional requirements and development standards. Barber discussed the purpose statement, which is to keep this a simple, non-discretionary, over the counter review process, and noted that the standards have been drafted accordingly. He said we want to preserve people's ability to use exterior lighting for security and safety, and for their nighttime use and enjoyment. It is not our intent to tell someone that they cannot install lights, but rather direct them to a more appropriate type of lighting to preserve dark skies. We want to minimize the obtrusive aspects of exterior lighting that degrades the nighttime visual impacts and negatively impacts wildlife and human health.

Barber outlined the exemptions to this standard and asked if the Commissioners could think of any others that should be included. He noted that exemption numbers (3) and (4) outline temporary lighting situations that may impact farm and forest operations. Kessinger asked about greenhouses. Barber said in the marijuana business ordinance, we did require that greenhouses not jeopardize nighttime sky, and perhaps we need to reiterate that here.

Jed Tomkins, Assistant Multnomah County Attorney, thought perhaps those were two different things. Commissioner Kessinger is talking about greenhouse use more generally, and the use of nighttime lights for production of whatever might be in the greenhouse. This proposal will not regulate that lighting use, if I'm correct, because those lights won't fall within the definition of exterior lighting. I don't think you need an extra reference here because the marijuana provision is very specific to that set of circumstances. I would suggest that the record in this proceeding reflect that this proposal for dark skies does not alter the proposal for marijuana regulations in a way that would allow light to be emitted that the marijuana regulations do not allow. The marijuana regulations would control over this proposal for those uses in that proposal. He said this proposal does not address lighting coming from the inside of a greenhouse, so if you want to address that, it would need to be added.

Barber continued on with the exemptions in Section 4.3. He said exemption (9) talks about Traffic control devices in compliance with the Manual on Uniform Traffic Control Devices. Kabeiseman said I think the manual often gives options, so if there's an option that allows for something shielded, I would like to see the County or State add something similar to what's in (10) about complying with subsection (C). Barber said I don't remember why we excluded that from (9), but I am meeting with our transportation planners and will talk to them about that. Kabeiseman said one of the things that struck me about the videos we saw today was that the vast majority of light pollution comes from public lights, so to the extent that we can start thinking about the agencies dealing with this, we could have bigger impacts.

Lorenz asked in regards to underwater lighting, is there anything you've come across that would pertain to lighting around homes in the channel? Barber said that lighting would need to comply with these rules and be downward directed as well. We don't have anything that specifically talks about the marina and moorage environment that would address lighting for docks, but it would still need to meet these standards. We may get into those details more when we tackle the Willamette River Greenway (WRG) standard overhaul because some lighting designs may have more of an impact on fish. Lorenz said that was one thing I wanted to go into, that there may be situations where you don't want downward directed lights near the water. Barber said the environmental aspects of lighting has not been a part of this scope, and I would recommend that we roll that into the WRG project.

Kessinger asked what about a sports stadium? Barber said we've talked about that internally and new lighting for sports fields and schools would need to be dark sky compliant, so there would be no exemption.

Lorenz asked about strip lighting, like in movie theaters or airplanes. According to this, they wouldn't be compliant, but I would think we would want to allow that. Barber said technically, you're right, that would not be compliant. When I presented at the Forest Park Neighborhood Association, there was a similar proposal for an exemption for pathway lighting because some people have difficulty navigating their property. Others thought that should still be dark sky compliant by directing the light downward onto the path, so there are different debates about

whether there should be an exemption for pathways and walkways. I will defer to the Commission about their ideas.

Kabeiseman said I think the creepy guy picture shows you that having unshielded lights can hide hazards, so shielding lights down makes sense. But for pathways and the idea of the strip lighting, I'm not quite certain how to do that. Maybe low lumens or watts, if it's below a certain level, but I don't know how you would measure that. Barber said the Dark Sky Association recommends that for seasonal lights each individual light should be less than 10 watts and 70 lumens. But would that be okay on a permanent basis?

Lorenz said my neighbor put up a see through patio awning and put rope lights around it and it goes right into our bedroom. So even with low watts and lumens, if they put up four strings of those, that doesn't make sense. I am specifically referring to something at ground level. I don't know if we could get some sort of standard like from the movie theater or airline, a really low lumen that is just enough to highlight the path that you need. Kabeiseman said in concept it sounds great, but I wonder if people use that in outdoor applications. Wood said I think if it's in the ground with maybe a particular design standard to it. Not like holiday lights, but something that has lights in a string or a cord.

Kabeiseman said it sounds like there's a consensus to look into it. Barber agreed to do that and said maybe there's something in the building code. I will also look back at the dark sky model ordinance, and I imagine we could come up with something. Kabeiseman said my first question would be looking at whether this application even exists, do people do this outdoors. Then to the extent it is an outdoor application, is there code that we could write that would exempt low light applications of in-ground installed illuminations such that it's not shielded. If it's actually in the ground and the light is low enough, it seems like it should be okay. Lorenz agreed. Barber said I will research that and we could bring this back to the hearing, which is our next step.

Barber moved on to the threshold standards and County sign provisions. He said currently, County code allows internally illuminated signs, however, there was a great deal of controversy after one of these signs was recently permitted on Sauvie Island. So, we are proposing to amend the language to prohibit internally illuminated signs, and the lighting for directional signs needs to be downward directed onto the sign face, which is more in keeping with the rural area. Also, the dark sky standards will replace any other definitions found in our existing code.

Kessinger asked if electronic billboards were addressed or was that considered internally illuminated? Barber said he wasn't sure; he would have to research that. Kabeiseman said under the sign definitions there is a reference to electronic message centers, but we don't have the rest of the sign code to see where that plays in. Barber said I don't think we have an allowance for that anymore, but I will confirm that. Kabeiseman said there is a reference on page 16 of the staff report that billboard lights should be directed downward, but I'm thinking we should get rid of billboards entirely. But that probably goes beyond this. Barber said I'm fairly confident that we do not have an electronic message center provision, but I will confirm. Lorenz said (9) on page 16 says "no billboard shall contain moving parts or flashing or intermittent lights", so I think that takes care of it.

Barber said although this is not on the current workprogram, I think a sign code overhaul would be a good project.

He said we anticipate bringing the proposed Dark Sky lighting requirements to public hearing in June, since April and May will be dedicated to the Comprehensive Plan.

VI. Annual Election of Planning Commission Chair and Vice-Chair

John Ingle was unanimously re-elected Chair and Jim Kessinger Vice-Chair.

VII. Director's Comments:

Barber said the marijuana project will likely be going before the Board of County Commissioners the end of this month. We are aiming for March 31, but that is not official yet. I will email the Commissioners once we have that locked in, and encourage you to attend if you are able. They are on Thursdays and typically start at 9:30a.m.

Our next Planning Commission meeting has been moved to April 11, to accommodate the Comp Plan project. We have a public open house scheduled on April 4 for the west side of the county and April 7 for the east side, and we will be sending out notices of that. I encourage the Commissioners to attend either of those if you are interested and available. We plan on a worksession for the Comp Plan project in April and a public hearing in May. If we can't get through the entire project at the May hearing, we may ask for an additional session.

The forecast is to have the Dark Sky hearing in June, along with a worksession on accessory structures. We typically take July off for summer vacation, and we anticipate beginning the talk about Sauvie Island/Multnomah Channel code in August.

Meeting adjourned at 8:00 p.m.

The next Planning Commission meeting is scheduled for April 11, 2016.

Recording Secretary,

Kathy Fisher