

CITY OF FLORENCE PLANNING COMMISSION
November 10, 2014 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Chairperson Cheryl Hoile opened the meeting at 7:00 p.m. Roll call: Chairperson Cheryl Hoile
Commissioners: Curt Muilenburg, John Murphey, Alan Burns, and Robert Bare were present. Also present:
Planning Director Wendy FarleyCampbell and Planning Technician Glen Southerland.

APPROVAL OF AGENDA

Commissioner Bare motioned to approve the Agenda, Commissioner Murphey seconded. By voice, all ayes.
The motion passes.

APPROVAL OF MINUTES

Meeting of October 28, 2014

Commissioner Burns motioned to approve the Minutes of October 28, 2014 as amended, Commissioner
Muilenburg seconded. By voice, all ayes, with the exception of Commissioner Murphey, who abstained.
The motion passes.

PUBLIC COMMENTS

*This is an opportunity for members of the audience to bring to the Planning Commission's attention any
items **NOT** otherwise listed on the agenda. Comments will be limited to **3 minutes per person**, with a
maximum time of 15 minutes for all items.*

There were no public comments.

PUBLIC HEARINGS:

*Chairperson Hoile said that there were two public hearings before the Planning Commission that evening.
The hearing would be held in accordance with the land use procedures required by the City in Florence City
Code Title 2 Chapter 10 and the State of Oregon. Prior to the hearing(s) tonight, staff will identify the
applicable substantive criteria which have also been listed in the staff report. These are the criteria the
Planning Commission must use in making its decision. All testimony and evidence must be directed toward
these criteria or other criteria in the Plan or Land Use Regulations which you believe applies to the decision
per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford
the Planning Commission and parties involved an opportunity to respond to the issue may preclude an
appeal of this decision based on that issue. Prior to the conclusion of the initial evidentiary hearing, any
participant may request an opportunity to present additional evidence, arguments or testimony regarding the
application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of
approval without sufficient specificity to allow the Planning Commission to respond to the issue that
precludes an action for damages in circuit court. Any proponent, opponent, or other party interested in a
land use matter to be heard by the Planning Commission may challenge the qualification of any
Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by
the party relating to a Commissioner's bias, prejudgment, personal interest, or other facts from which the
party has concluded that the Commissioner will not make a decision in an impartial manner.*

FILE PC 14 16 DR 01 – WHISPERING PINES DESIGN REVIEW: An application by Jerry Prater
Construction to complete Phase 2 and 3 of Whispering Pines Condominiums, located at 1150 Hemlock
Street, Map 18-12-27-42, TL 00300, 00400, & 00500. The proposed development will revise the previously
approved buildings in Phase 2 and 3 which will match current buildings on the site in layout and appearance.
The development is zoned Professional Office District and Multi-Family Residential. This was a
continuation of the initial public hearing held October 28, 2014.

Chairperson Hoile reopened the hearing at 7:05 p.m. to permit additional evidence to be added to the record. She stated that the applicant had requested a continuance to January 13, 2015 and that the record be kept open until that time.

PD FarleyCampbell stated that if the record was left open until the day of the hearing, anyone could request an additional seven days to review and comment on the additional materials submitted. Chairperson Hoile asked if PD FarleyCampbell recommended that the period for submission of additional testimony and evidence be closed seven days prior to January 13, 2015. PD FarleyCampbell recommended that route. Chairperson Hoile asked to confirm January 6, 2015. Commissioner Burns stated that the deadline would be January 6, 2015 at 5 p.m.

PD FarleyCampbell stated that after January 6, 2015, the applicant could not submit additional evidence, but could submit additional argument responding to the evidence submitted. She said he could also waive this right.

Commissioner Bare asked if he and Chairperson Hoile's terms expiring at the end of the year would have any bearing on the decision. PD FarleyCampbell stated that since the majority of the Planning Commission would be continuing, as long as the majority of the Planning Commission attended that meeting, it would not pose a problem. Commissioner Burns added that Commissioner Bare and Chairperson Hoile could apply again if they would like.

Commission Discussion

Commissioner Burns moved to leave the record open until January 6, 2015 at 5 p.m. and continue the hearing until January 13, 2015. Commissioner Murphey seconded the motion.

Chairperson Hoile asked to clarify if the hearing on January 13, 2015 would be open to oral testimony, written testimony, or both. PD FarleyCampbell confirmed that either would be open if requested. She stated that the Planning Commission would not be required to open the hearing on that date unless it was requested.

Commissioner Muilenburg asked if oral testimony could be submitted until the deadline. PD FarleyCampbell stated that the Planning Commission was leaving the record open for written testimony and evidence only and could at the January 13, 2015 meeting decide to reopen the record for oral testimony because they may have questions for the applicant or others.

By roll call vote: Commissioner Bare "yes"; Commissioner Muilenburg "yes"; Chairperson Hoile "yes"; Commissioner Murphey "yes"; Commissioner Burns "yes". The motion passes.

FILE PC 14 21 CUP 08 – Port/STEP Fish Cleaning Station: A request by the Port of Siuslaw for approval of a Conditional Use Permit to construct a 320 square foot fish cleaning station in the Port parking lot that will add six additional cleaning sinks and reduce foot traffic at the boat ramp. The proposed station would be located at 100 Harbor Street south of the Port parking lot south of the Port office, Assessor's Map 18-12-26-00, Taxlot 00701.

Chairperson Hoile opened the hearing at 7:11 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. Chairperson Hoile asked if the public had any challenges to any commissioner's impartiality in making this decision. There were no challenges. Chairperson Hoile asked for the staff report.

Staff Report

PT Southerland presented the applicable criteria for the application.

PT Southerland presented the site plan and elevations for the proposed building. He explained the layout and dimensions of the building as well as the building materials.

PT Southerland stated that referral comments were received from Lane County Environmental Health and the Department of State Lands. He explained that Sarah Puls from Lane County Environmental Health stated that they would like to see a hand washing station, but were not requiring that the applicant install one. PT Southerland stated that in order to install a hand washing station, that sink would need to be connected to the City sewer system. He stated that Charles Redon from the Department of State Lands required that the applicant apply for a permit for any work done below the highest measured tide line. PT Southerland said that the applicant had stated that they would remain above this line, including the drain outlet into the river.

PT Southerland stated that Michelle Culwell had submitted public comments expressing displeasure with the Port of Siuslaw and the application.

PT Southerland stated that staff's recommendation was that the application be approved with conditions. PT Southerland read the conditions of approval for the record.

Commissioner Murphey asked, regarding Conditions 9, 10, and 11, who would determine when the situation was hazardous and how 500 pounds would be measured. PT Southerland stated that DEQ would be the agency responsible and a weak flow issue due to tidal or river flow would be apparent and easy to determine.

Commissioner Muilenburg asked if DEQ or Public Works was going to inspect the drain pipe. PT Southerland stated that the outflow would be much like the existing station which flows into the river and that Public Works only inspects things that connect to City systems. Commissioner Muilenburg stated that he would ask the applicant.

Chairperson Hoile stated that PT Southerland had said that the area where the parking spaces are moving to are no-parking, but the aerial showed people parked in that area. PT Southerland stated that it was a no-parking zone. Chairperson Hoile stated that she also had not seen anything in the packet that stated whether or not the fish cleaning station was open to the public. PT Southerland stated that staff had not seen that information in the application either. Chairperson Hoile stated that she would ask the applicant.

Applicant Testimony – Ron Caputo, Port Commission President, 87729 Sandrift St., Florence, OR 97439

Mr. Caputo stated that there was a need for this station and the current fish cleaning station cannot handle the current traffic. He stated that Richard Dreiling would be able to answer any further questions about the project as the Port of Siuslaw's Project Coordinator.

Applicant Testimony – Richard Dreiling, Project Coordinator, 211 Bourbon Street, Florence, OR 97439

Mr. Dreiling stated that the Port took the conditions of approval seriously and would comply with those conditions. He stated that the Port also already has several facilities nearby where those using the cleaning station could wash their hands. Mr. Dreiling stated that DEQ considers the gallons of pollutant or raw sewage put into the river and stated that they would not be putting any gallons of pollutant into the river. He said that the Port would be providing trash cans for solid waste and DEQ waived their need for a permit because they are not allowing any ground-up fish effluent to enter the river. He stated that other facilities utilize grinders, while the Port of Siuslaw would not allow solids in the effluent.

Mr. Dreiling stated that the area is no parking zone that they use for pulling trailers in and out of their buildings there and some of that space needs to be clear in order to do that. He said that the two spaces there will not interfere with that need.

Mr. Dreiling said that there would not be any in-water work and that the pipe would be above the highest measured tide. He said that this station would make it harder for people to pollute the river because it will be farther away from the water.

Chairperson Hoile asked if the facility would be open to the public. Mr. Dreiling stated that it would be open to the public, but that it would be locked during night hours in order to prevent people from sleeping in the building.

Commissioner Murphey asked if the Port of Siuslaw was planning to remove the old cleaning station. Mr. Dreiling stated that they were not, but that the station may not return when the bulkhead was replaced.

Chairperson Hoile asked if the current cleaning station allowed more than one person at a time. Mr. Caputo stated that two people at a time could use the station, but that was not adequate. Mr. Dreiling stated that the current station was creating a problem and attracting seals.

Commissioner Bare thanked the STEP organization and stated that this project would help the community.

Commissioner Muilenburg asked how the pipe would leave the building. Mr. Dreiling stated that the pipe would be underground under the sidewalk, come out on the grass side and discharge over the river. He stated that they would also be keeping an eye on it because they did not want the station to be a nuisance problem. Chairperson Hoile asked if the Port would be monitoring the outflow. Mr. Dreiling confirmed and said that they want to be in compliance. Mr. Caputo added that the staff would also be maintaining the trash cans.

Proponent Testimony – Bill Hennig, P.O. Box 1186, Florence, OR 97439

Mr. Hennig introduced himself and stated that he was a STEP board member. He said that they would like to make this the best cleaning station on the coast. He offered to take their questions.

Commissioner Muilenburg stated that he wanted to clarify that the station would be open to the public to quell concerns that were received as testimony.

Mr. Hennig said that the building would be available to everyone and open until the Port locked it at night.

Proponent Testimony – Brian Hudson, Florence, OR 97439

Mr. Hudson stated that he was the Mid-Coast region Salmon and Trout Enhancement Advisory Committee member who advised ODFW regarding STEP programs. He said that he had seen these stations elsewhere and Brookings actually bags the scraps and sells it as crab bait. Mr. Hudson stated that STEP and ODFW were there to educate the public and support volunteer opportunities and stated that the public would have access to the cleaning station and that much of what they do is open to the public.

Proponent Testimony – Craig Brandt, Florence, OR 97439

Mr. Brandt introduced himself and stated that the building would only be 16' x 16'.

Chairperson Hoile asked if the building was 16' x 16'. PT Southerland stated that the plans he had stated 16' x 20'. Commissioner Burns and Mr. Dreiling confirmed.

Proponent Testimony – Joe Henry, Florence, OR 97439

Mr. Henry stated that he was not there to represent the City Council that night, but would like to comment as a private citizen. He stated that he was an avid salmon fisherman and has fished up and down the coast. He said that this was the best year for salmon-fishing he had seen and encouraged the Planning Commission to approve the application.

Chairperson Hoile asked for any opponents, neutral parties, or rebuttal from the applicant. There were none.

Staff Response

PT Southerland stated that staff had no additional comments.

Chairperson Hoile closed the hearing at 7:40 p.m.

Commission Discussion

Commissioner Bare stated that he thought it was a great project.

Commissioner Muilenburg motioned to approve Resolution PC 14 21 CUP 08 with no changes. Commissioner Murphey seconded. By roll call vote: Commissioner Bare “yes”; Commissioner Muilenburg “yes”; Chairperson Hoile “yes”; Commissioner Murphey “yes”; Commissioner Burns “yes”. The motion passes.

FILE PC 14 18 TA 02 – LIGHTING TEXT AMENDMENTS: A proposal to create lighting regulations which will focus on illumination levels, eliminating glare, and light trespass in order to promote safety and reduce energy waste and effects on human and wildlife health.

Chairperson Hoile opened the hearing at 7:42 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. Chairperson Hoile asked if the public had any challenges to any commissioner’s impartiality in making this decision. There were no challenges. Chairperson Hoile asked for the staff report.

Staff Report

PD FarleyCampbell stated that the Planning Commission could speak to anyone they wished in order to gauge opinion because this was a legislative item.

PD FarleyCampbell stated that this item was a City Council Goal for 2014. She stated that it became clear as staff looked at City Code, that lighting in code was inconsistent because of code being added piecemeal implementing the Comprehensive Plan over the past decade or so. She said that this was an opportunity to, if nothing else, establish consistent code criteria.

PD FarleyCampbell stated that City Council first looked at this item at their October 20, 2014 meeting. She said that the code updates were initiated at that hearing. She stated that they looked at the same materials that the Planning Commission looked at during their worksession on October 28, 2014. She stated that after the Planning Commission approved their resolution of recommendation, the City Council would hold a second evidentiary hearing with a worksession preceding it.

PD FarleyCampbell stated that there was no required DLCD notice because the state looked at this item as a nuisance code item rather than something that would affect land uses or property values.

PD FarleyCampbell listed the applicable criteria for the legislative changes and presented the proposed code. She outlined the exemptions that were found in other communities with lighting codes. She stated that Central Lincoln PUD was specifically excluded from having to meet the code because they were not yet ready to meet those regulations across their service area. She stated that staff had recommended giving the community 10 years from the date of approval for businesses to meet the regulations. PD FarleyCampbell stated that laser lights, searchlights, and blinking and flashing lights were prohibited throughout the city, but stated that she would like to add an exemption for holiday lights in blinking and flashing lights.

PD FarleyCampbell stated that staff has recommended that any non-conforming use that has been sitting vacant for a year or more that that location have its lighting modified before occupancy. She said that all lighting installed from the date of approval would need to meet code and any application coming before the Planning Commission would have their lighting reviewed. She stated that easy fixes were encouraged by adding shielding to existing fixtures or re-aiming the lights.

PD FarleyCampbell stated that there was a section requiring lighting plans and a large section regarding lighting standards.

PD FarleyCampbell listed the items included in yellow in the proposed code and stated that she would like the Planning Commission to choose from those options. Chairperson Hoile asked if PD FarleyCampbell would like them to make decisions as they go through the list. PD FarleyCampbell said that if the Planning Commission would like to, they could.

Chairperson Hoile asked the Planning Commission what they would like to do. Commissioner Bare stated that he would like to decide as they went through. Chairperson Hoile agreed.

PD FarleyCampbell clarified that compared to another section there was an exemption for residential, but if Planning Commission decided for 10-37-4-A, if wattage was used, it would apply to both residential and commercial. Commissioner Muilenburg asked if PD FarleyCampbell had researched the wattages of bulbs. PD FarleyCampbell stated that staff recommended removing wattage altogether because wattage is an energy usage term rather than a brightness term.

Commissioner Muilenburg stated that he would like to go back to 10-37-3. He said that he would like clarification in the language because he would like to know how the regulations would affect his and Commissioner Burns' commercial buildings. He stated that he thought that the terminology would be confusing to people who have never had to provide this information before. PD FarleyCampbell stated that commercial buildings have always had to provide a lighting plan.

Commissioner Muilenburg asked if PD FarleyCampbell would provide direction to applicants so that they could determine some of the aspects of the new regulations. PD FarleyCampbell stated that many of the terms were defined in the chapter. She stated that 10-37-3 was always required for commercial applications and that a photometric report was never required by name, but that the criteria could not be met previously without one.

Commissioner Murphey asked staff's opinion on which of the 10-37-4-A(1) would be easier to enforce. PD FarleyCampbell stated that Option 1 would likely be the easiest to enforce, but that she recommended lumens.

Commissioner Muilenburg stated that he thought they were adding costs to business owners. PD FarleyCampbell stated Dan could go to a business and determine the lumens of a bulb. Commissioner Muilenburg stated that it would be nice to have that. PD FarleyCampbell stated that if the Planning Commission would like to continue the hearing so that they or staff could research the lumen output of various household fixtures, they could do so.

Commissioner Murphey stated that he owned a commercial building and asked if he would have up to the 10 years to retrofit his lighting or if the business was sold the lighting had to be changed at that time that the new owner assumes the building. PD FarleyCampbell stated that the business would have 10 years to retrofit the lighting unless they are doing a design review.

Commissioner Muilenburg asked if all lighting had to be shielded, recessed, under-capped, or under-canopy. PD FarleyCampbell said that 10-37-4-A(1) had that stipulation as well. Chairperson Hoile pointed out that one option had "outdoor lighting" and another option had "exterior lighting." PD FarleyCampbell suggested that they pick "external" rather than "outdoor."

Chairperson Hoile asked the Planning Commission which option or combination of options they preferred.

Commissioner Burns stated that he liked the idea of seeing examples of fixtures that direct lighting because exterior bulbs can be expensive and he brought up that he has had to replace some exterior lighting fixtures at his business in the last ten years. Chairperson Hoile asked if he was leaning towards the first option. Commissioner Burns replied that he was, but felt that the options accomplished the same thing.

Commissioner Murphey stated that the ten years for compliance led him to believe that Option A(1) was the best choice. He said that because of the coastal environment, many outdoor fixtures would not last ten years, so many owners would have to replace those fixtures anyway.

Commissioner Muilenburg asked if the bulb would be visible in the full-cutoff or shielded fixtures. PD FarleyCampbell said that full-cutoff was shown in the pictures. Commissioner Muilenburg stated that he was leaning toward Option A(1). He asked if the major difference was between Option A(1) and A(3) was the fact that a type of fixture was not being named and what impact that had. PD FarleyCampbell said that she thought full-cutoff was included in the definition of shielding. Commissioner Muilenburg asked if staff wanted A(1) to be "exterior" rather than "outdoor." PD FarleyCampbell replied that that was the case because exterior was defined. Commissioner Muilenburg wanted to confirm that exterior also included indoor lighting that was directed out. PD FarleyCampbell confirmed. Commissioner Muilenburg stated that he concurred with the selection of Option A(1).

Commissioner Bare agreed that the wisest choice was Option A(1).

Chairperson Hoile concurred that she would like to select Option A(1).

Chairperson Hoile asked if the Planning Commission had any other questions or concerns in sections B, C, or D.

Commissioner Muilenburg brought up a question he had at the worksession about section 10-37-4-B and the foot-candle measurement used already being in code. PD FarleyCampbell stated that the foot-candle measurement was already in code and had to do with the illumination on the ground and lumens had to do with the brightness. Commissioner Muilenburg asked if they would be changing that since it was already in code. PD FarleyCampbell stated that staff had not recommended a change.

Commissioner Muilenburg asked if streetlights would be affected. PD FarleyCampbell said that it would not, but that Public Works sets the design standards for street lights and when the City and Central Lincoln PUD are ready to change the street lights, they can do so easily. Commissioner Muilenburg stated that the code in 10-37-4-C limited lighting height to 20 or 25 feet. PD FarleyCampbell stated that that was a good point, and that the Planning Commission could add a stipulation that street lights were exempted from that requirement.

Commissioner Muilenburg asked if section 10-37-4-D meant that the City would enforce lighting left on afterhours. PD FarleyCampbell confirmed and said that exceptions were made for lighting needed for safety or security. Commissioner Muilenburg stated that many businesses kept interior lights on for security. PD FarleyCampbell stated that this chapter had to do with exterior lighting. Chairperson Hoile suggested that "safety" be added to that section in addition to "personal and building security." Commissioner Muilenburg stated that he did not understand how the City could force someone to turn their lights off. PD FarleyCampbell stated that that was what they were deciding. Commissioner Murphey stated that they had a discussion about this topic at the School Board because it was found that in other locations, criminals required some sort of lighting to see what they were doing and a light that was not supposed to be there was easily spotted. Commissioner Bare stated that when he was working as a law enforcement officer in Los Angeles, everything was lit by mercury vapor lights and he was glad that they were no longer widely used.

because the glare created unsafe conditions. Commissioner Muilenburg said that they could come back to this issue.

PD FarleyCampbell stated that, in relation to Commissioner Muilenburg's earlier comment, Exemption B exempted street lighting from the requirements of Chapter 37. She said that street lights would not have to conform to the height restriction.

Commissioner Muilenburg stated that PD FarleyCampbell had addressed his concerns about blinking and flashing in the Exemption section.

Commissioner Murphey stated that he did not see a specific exemption for the Highway 101 crosswalks and asked if those needed to be added. Commissioner Bare added that the flashing stop signs should be added as well. PD FarleyCampbell asked the Planning Commission if they felt that 10-37-6-3 addressed their concerns. Commissioner Muilenburg asked if the Planning Commission if they would like to add a section exempting holiday lights to 10-37-6-3 and if strobe lights were addressed. PD FarleyCampbell stated that they were not addressed, but suggested that it be added under 10-37-6-2 as "Searchlights and strobe lights."

Chairperson Hoile stated that she saw that flag lighting was another item that they had options for. She stated that she believed Option F(1) was the best choice. Commissioner Bare stated that he had a flag pole at his home that was lit. Commissioner Burns added that there were requirements from the federal government about flag display. Commissioner Murphey said that F(1) was his preference. Chairperson Hoile stated that she did not want to get into flag etiquette and stated that she wanted to vote for Option F(1). Commissioner Muilenburg agreed that he would like Option F(1).

Commissioner Muilenburg brought up the wattage included in Exemption R. PD FarleyCampbell said that it could be removed and that it had been included to provide an example. Commissioner Murphey stated that he would like all wattage removed and just lumens used. Commissioner Muilenburg asked if lumen information was readily available. Commissioner Burns stated that the lumens were stamped on the bulb.

PD FarleyCampbell stated that staff could add a table for different types of bulbs showing lumen output by wattage. Commissioner Bare and Muilenburg stated that they believed that would help. Commissioner Murphey proposed that the Planning Commission remove all watt reference throughout the Chapter and include a table. Chairperson Hoile and Commissioners Burns, Muilenburg, and Bare agreed.

PD FarleyCampbell stated that Item P was duplicative of Item J, so she suggested that the Planning Commission strike "public monuments" so that Item P listed only lighting of bridges.

Chairperson Hoile asked if there were any other questions or comments in this section. She asked PD FarleyCampbell to go through the prohibitions. PD FarleyCampbell stated that the Planning Commission decided to add strobe lights to 10-37-6-2 and add seasonal/holiday lights to 10-37-6-3. She added that if the Planning Commission did not want neon lighting in the community, they could prohibit it.

Commissioner Muilenburg asked if there were any provisions regarding fluorescent lighting on the exterior of buildings. Commissioner Murphey stated that he did not believe that they could control the type of lighting being used as long as it met the lumen requirement. Commissioner Muilenburg said that he would like to not restrict the type of lighting. PD FarleyCampbell stated that there would be no lumens requirement for anything other than residential because they selected Option A(1) in section 10-37-4, but that the light would have to be shielded. Commissioner Muilenburg asked if PD FarleyCampbell would consider the lighting in the Council Chambers shielded. PD FarleyCampbell stated that it was not shielded. Commissioner Muilenburg stated that he agreed.

Chairperson Hoile stated that she would like to see "as a last resort" stricken from the enforcement section. Commissioners Burns, Bare, Muilenburg, and Murphey agreed.

Commissioner Muilenburg asked if the City would be using the same methods to enforce this code as they had been for the sign code, because he felt that those methods had been successful. PD FarleyCampbell confirmed that the City would be approaching enforcement the same way.

Commissioner Muilenburg asked if standard holiday lighting fit into the 15 lumen requirement. PD FarleyCampbell stated that there was a definition for seasonal/holiday lighting, but there was an exemption for those lights under another section. Commissioner Muilenburg said that flashing holiday lights were prohibited in the definition. PD FarleyCampbell stated that she would check because she believed that it may have been included because it was in the sign code. Commissioner Muilenburg stated that he thought that businesses should have the same right to decorate as a residence. Commissioner Murphey agreed. Commissioner Muilenburg stated that flashing and blinking meant the same to him unless he wanted to define the difference. PD FarleyCampbell said that it was not in the sign code so it likely came from an example code.

Commissioner Muilenburg said that he would like to take the flashing holiday light prohibition out. Chairperson Hoile and Commissioners Burns, Bare, and Murphey agreed.

Chairperson Hoile asked if there were any additional items from the definitions.

Commissioner Muilenburg said that he would like to go back to the foot-candles issue and asked how an owner was to know when their business or home was nonconforming. Chairperson Hoile asked if he would like to see another chart or table for that. Commissioner Muilenburg said that may help, but he was unsure. He said that he just did not want to catch people off-guard who were attempting to open in vacant properties. PD FarleyCampbell said that she was open to those changes.

Commissioner Muilenburg said that if someone purchased a vacant business, they would not have to meet these requirements for ten years. PD FarleyCampbell stated that it depended on the length of the vacancy because under 10-37-2-A, they would need to upgrade their lighting if the business was vacant over a year. She added that the Planning Commission could recommend changes to any section they wished. Commissioner Muilenburg stated that they wanted to take it into consideration because they wanted to spur growth in the community. Commissioner Muilenburg asked if the Planning Commission had any other recommendations regarding that issue. Chairperson Hoile said that they didn't need to work out all the issues, and that the City Council would also have a chance to change anything that needed to be change. Commissioner Murphey stated that there needed to be some regulations when a building has been vacant because they should not allow a business to just move into a deteriorating building. Chairperson Hoile added that the lighting also may not have been appropriate when the building was occupied.

Chairperson Hoile asked if any Planning Commissioner had any other issues to discuss.

Chairperson Hoile asked for any proponents, opponents, or neutral or interested parties. There were none. Chairperson Hoile asked for the staff recommendation.

PD FarleyCampbell stated that staff recommended that the Planning Commission approve a recommendation to the City Council regarding lighting text amendments to Title 10.

Chairperson Hoile closed the hearing at 8:51 p.m.

Commission Discussion

Commissioner Muilenburg asked if staff had understood all of their recommendations. PD FarleyCampbell offered to read them off.

Commissioner Burns motioned to approve Resolution PC 14 18 TA 02 recommending adoption of lighting text amendments to the City Council with the changes as discussed by the Planning Commission. Commissioner Murphey seconded.

Chairperson Hoile asked PD FarleyCampbell to read the recommendations selected and the changes made by the Planning Commission.

PD FarleyCampbell stated that the Planning Commission had selected Option A(1), staff is striking all references to wattage within the code. Chairperson Hoile added that on Option A(1) “outdoor” should be changed to “external.” PD FarleyCampbell stated that after “security” on 10-37-4-D, “and safety” would be added. She said that in seasonal/holiday lighting, blinking and flashing lights would be permitted. She stated that the Planning Commission selected Option F(1) exempting lighting for a properly displayed U.S. flag. PD FarleyCampbell asked that “low-wattage lights” be stricken from seasonal/holiday lighting and just state “lights used for decorating.”

PD FarleyCampbell continued that “public monuments” would be stricken from Item P under 10-37-5 and all references to wattage and incandescent in Item R. Chairperson Hoile asked if that would be where the table would be added. PD FarleyCampbell stated that she believed that the table would be more appropriate under the definition of lumens, although she was open to suggestions. Commissioner Bare stated that he thought it would be better under the definition.

PD FarleyCampbell stated that under Prohibitions, “strobe lights” would be added under 10-37-6-2. She stated that seasonal/holiday lights would be exempted under 10-37-6-3. She said that “as a last resort” would be stricken from 10-37-7. She continued that under the definition of “lumens” a table would be added that illustrated conversion of lumens to watts in different types of fixtures. She said that under “seasonal/holiday lighting” the section prohibiting flashing lighting on commercial properties would be stricken.

Chairperson Hoile asked if the lumens per bulb requirement under the definition of seasonal/holiday lighting would be stricken. PD FarleyCampbell stated that she could do that if the Commissioners would like. Chairperson Hoile and Commissioners Bare, Burns, Murphey, and Muilenburg agreed.

By roll call vote: Commissioner Bare “yes”; Commissioner Muilenburg “yes”; Chairperson Hoile “yes”; Commissioner Murphey “yes”; Commissioner Burns “yes”. The motion passes.

Chairperson Hoile said that PD FarleyCampbell did good job preparing this code amendment.

DISCUSSION ITEMS

Commissioner Bare asked if staff had heard anything about the Port Floating Restroom. PT Southerland stated that they would be reapplying after finding a suitable location to the east.

CALENDAR

The Planning Commission discussed the upcoming calendar. The next meeting is scheduled for December 9, 2014.

Chairperson Hoile adjourned the meeting at 8:59 p.m.

Cheryl Hoile, Planning Commission Chairperson

Port of Siuslaw/STEP Fish Cleaning Station

PC 14 21 CUP 08



Criteria

Florence City Code, Title 10:

Chapter 1: Zoning Administration, Section 1-5
Chapter 3: Off-Street Parking & Loading, Sections 2, 8, & 9
Chapter 4: Conditional Uses, Sections 9 through 11
Chapter 6: Design Review, Section 5
Chapter 19: Estuary & Shorelands, Sections 4 and 7
Chapter 24: Waterfront-Marine District, Sections 2 through 4
Chapter 36: Public Facilities, Section 3

Florence Realization 2020 Comprehensive Plan:

Chapter 5: Open Spaces and Scenic, Historic, and Natural Resources
Chapter 6: Air, Water and Land Quality
Chapter 16: Siuslaw River Estuarine Resources

• Port/STEP Fish Cleaning Station – PC 14 21 CUP 08

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Introduction

- **1981** – Salmon and Trout Enhancement Program (STEP) created
- **April 2014** – STEP applies for grant funding
- **June 6, 2014** – ODFW approves Restoration & Enhancement Funding for fish cleaning station
- **September 8, 2014** – Application submitted to Florence Planning Department

• Port/STEP Fish Cleaning Station – PC 14 21 CUP 08

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Aerial of Site



• Port/STEP Fish Cleaning Station – PC 14 21 CUP 08

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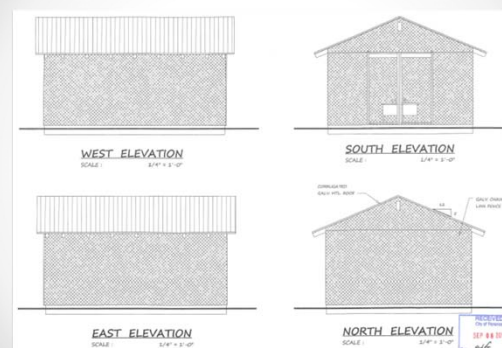
Proposed Location



• Port/STEP Fish Cleaning Station – PC 14 21 CUP 08

11/10/2014 • 5

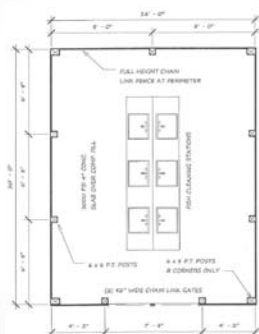
Elevations



• Port/STEP Fish Cleaning Station – PC 14 21 CUP 08

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Floor Plan



● Port/STEP Fish Cleaning Station – PC 14 21 CUP 08

11/10/2014 ● 7

Testimony

- Referral comments were submitted by:
 - Sarah Puls, Lane County Environmental Health (Exhibit D)
 - Charles Redon, Department of State Lands (Exhibit E)
- Public Testimony received from:
 - Michelle Culwell (Exhibit F)

● Port/STEP Fish Cleaning Station – PC 14 21 CUP 08

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Staff Recommendation

Staff finds that the application meets the requirements of City Code with the following conditions, and recommends approval of the conditional use permit subject to those conditions.

● Port/STEP Fish Cleaning Station – PC 14 21 CUP 08

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Conditions of Approval

3. All work shall remain above the Highest Measured Tide Line. No in-water work is permitted.
4. November 10, 2015 approval expiration deadline.
5. Criteria set by the Department of Environmental Quality will be met at all times.
6. The applicant shall maintain the fish cleaning station with regularity to ensure that the facilities remain clean, free of odors, and free of threats to public health and other public nuisances.

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Conditions of Approval

7. Conversion of two parking spaces must be completed prior to or concurrent with station construction.
8. Check with Public Works Director regarding easements or utilities needed.
9. Hazardous discharges / animal attractant / weak flow provision. Discharges prohibited or the applicant shall connect to the City sewer system.

● Port/STEP Fish Cleaning Station – PC 14 21 CUP 08

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Conditions of Approval

10. Restatement of Condition 9. Use is permitted provided the use is not detrimental to natural characteristics or values.
11. Applicant shall maintain residuals discharges in accordance with Schedule A, Paragraph 6.e of National Pollutant Discharge Elimination System permit No. 900-J.

● Port/STEP Fish Cleaning Station – PC 14 21 CUP 08

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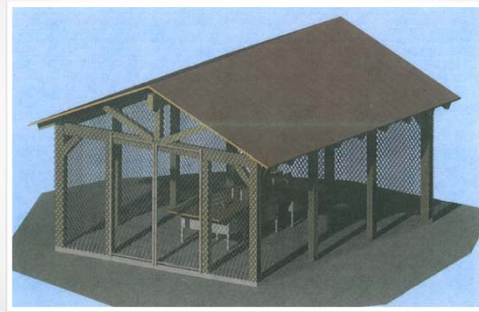
Alternatives

1. Approve application;
2. Modify the findings, reasons, or conditions and approve the proposal;
3. Deny the application based on the Commission's findings; or,
4. Continue the Public Hearing to a date certain if more information is needed.

• Port/STEP Fish Cleaning Station – PC 14 21 CUP 08

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Questions?



• Port/STEP Fish Cleaning Station – PC 14 21 CUP 08

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Lighting Policy Amendments PC 14 18 TA 02

**Planning Commission Hearing
November 10, 2014**

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Implementation Process

- City Council: Action Item-October 20th
 - Initiated code updates
- Planning Commission: Information-October 28th:
- Planning Commission: Hearing-November 10th:
 - Recommendation to City Council
- City Council: Worksession & Public Hearing-TBD
 - Final decision
- Public Notification:
 - No notice to DLCD--no state goals affected
 - Agency referrals & Newspaper notice

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Applicable Criteria

Florence City Code (FCC) Title 10: Zoning Regulations

- Chapter 1, Zoning Administration: Section 1-3
- Amendments and Changes: Section C Legislative Changes

Florence Realization 2020 Comprehensive Plan

- Chapter 1: Citizen Involvement: Policies 4 & 5
- Chapter 13: Energy Facilities and Conservation: Policy 1

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Code Amendment Summary

- Consistent terminology
- Definitions for the terminology
- Consistent criteria throughout Title 10
- Clear direction for nuisance abatement

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Proposed Amendments

- Add Chapter 37 – Lighting (Exhibit Y)
- Amend Chapters:
 - Zoning Districts to standardize lighting policies
 - Design Criteria (Parking, Landscaping, Access and Circulation, Public Facilities, Mobile Home Parks) to standardize or add lighting policies
 - Procedural Chapters (Conditional Uses, Administration) add or clarify lighting references

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Proposed Amendments

- Exemptions
 - 10 year effective date
 - Seasonal Lighting
 - U.S. Flag display
 - Construction lighting
 - Street Lights
 - Residential

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Proposed Amendments

- Prohibitions
 - Laser Lights
 - Search Lights
 - Blinking and Flashing

11/10/2014 • 7

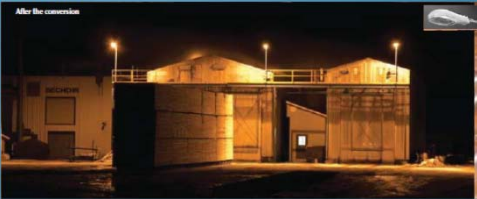
Examples of Mercury Vapor Fixtures

- Long Life
- White Light
- Has worst lamp efficacy



• PC 14.09 CLP 05

7/22/2014 • 8



Questions?

10/28/14 • 10