

CITY OF FLORENCE PLANNING COMMISSION / DESIGN REVIEW BOARD
CITY HALL COUNCIL CHAMBERS
250 Highway 101, Florence OR 97439

September 9, 2014

AGENDA

7:00 pm

Cheryl Hoile, Chairperson

Curt Muilenburg, Vice Chairperson

Alan Burns, Commissioner

John Murphey, Commissioner

Robert Bare, Commissioner

~ CALL TO ORDER ~ ROLL CALL ~ PLEDGE OF ALLEGIANCE ~

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES

- Meeting of August 26, 2014

3. 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.*

PUBLIC HEARING:

- 4. RESOLUTION PC 14 11 VAR 01:** An application from Robert Leturno for a variance from the 3-foot height limit for a fence along the front yard (9th Street). The property is located at 910 Spruce Street at the northeast corner of Spruce Street and 9th Street east of Gallagher Park and north of Highway 126 in the Single-Family Residential District (Assessors Map Number 18-12-26-31 Tax Lot 04600).

WORKSESSION:

- 5. 2014 COUNCIL GOAL--DARK SKY LIGHTING REGULATIONS:** Planning Commission introduction to and discussion of Dark Sky lighting ordinances and text.
- 6. PLANNING COMMISSION DISCUSSION ITEMS**
- 7. DIRECTOR'S REPORT**
- 8. CALENDAR**
- Tuesday, September 23, 2014 – Regular Session, 7:00 pm at City Hall – **CANCELLED**
 - Tuesday, October 14, 2014 – Regular Session, 7:00 pm at City Hall
 - Tuesday, October 28, 2014 – Regular Session, 7:00 pm at City Hall

The meeting location is wheelchair accessible. Anyone requiring special accommodations, please call (541) 997-8237 at least 48 hours prior to the hearing.

(Over for Public Hearing Procedure)

The hearing will also be broadcast live on Channel 191.

PUBLIC HEARING PROCEDURE

The Planning Commission must make its decision based on facts. Prior to the hearing, 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 based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request more time to present additional evidence, arguments or testimony regarding the application.

- A. Open Hearing
 - *Planning Commissioners declare any conflicts of interest, bias, ex-parte contacts and site visits.*
 - *Public may challenge a Commissioner's impartiality in making the decision.*
- B. Staff Report
- C. Applicant's Presentation
- D. Testimony

The Planning Commission will hear testimony from those in favor of the proposal, those against the proposal, and those that are neutral but have a comment. Copies of written testimony submitted for the hearing have been distributed to the Planning Commission. When you go to the table to testify, sign in (please write legibly) and state your name. If someone has made statements with which you agree, please come forward, sign in and just state that you agree with those comments. You do not need to restate the previous comments.

 - Proponents
 - Opponents
 - Neutral – Interested Persons
 - Rebuttal from Applicant
- D. Staff Response and Recommendation
- E. Close of Hearing
- F. Commission Deliberation - Direction to Staff or Decision
- G. 1st and 2nd on Motion
- H. Applicant's Opportunity to Respond to any New Conditions of Approval
- I. Discuss and Vote on Motion

CITY OF FLORENCE PLANNING COMMISSION
August 26, 2014 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Chairperson Cheryl Hoile opened the meeting at 7:01 p.m. Roll call: Chairperson Cheryl Hoile Commissioners: Curt Muilenburg and Robert Bare were present. Commissioner John Murphey was absent and excused and Commissioner Alan Burns was absent. Also present: Planning Director Wendy FarleyCampbell, Planning Technician Glen Southerland, and Code Enforcement Officer Dan Frazier.

STAFF INTRODUCTION

Code Enforcement Officer – Dan Frazier

APPROVAL OF AGENDA

Commissioner Bare motioned to approve the Agenda, Commissioner Muilenburg seconded. By voice, all ayes, with the exception of Commissioners Burns and Murphey, who were absent. The motion passes.

APPROVAL OF MINUTES

Meeting of July 22, 2014

Commissioner Bare motioned to approve the Minutes of July 22, 2014, Commissioner Muilenburg seconded. By voice, all ayes, with the exception of Commissioners Burns and Murphey, who were absent. 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 two public comments.

Sally Wantz – 2190 13th Street, Florence, OR 97439

Ms. Wantz distributed pictures to the Planning Commission regarding 910 Spruce Street. She stated that she noticed the Land Use Decision sign and wanted to comment about the property's signs advertising Robert's Handyman, vehicles parked on the street, and tall fencing. She said that she wondered if the business was allowed in the Single-Family Residential Zoning District and stated that she hoped that it was not.

PD FarleyCampbell stated that Robert Leturno had applied for a variance and that the hearing would take place Tuesday, September 9, 2014. Ms. Wantz asked if that hearing would be about the fencing only. PD FarleyCampbell confirmed that the variance Mr. Leturno applied for was only for the fencing on the front of the property along 9th Street. PD FarleyCampbell stated that the Planning Department would look into the other issues brought up. PD FarleyCampbell stated that signs advertising a commercial business are not allowed in a residential district. She stated that another complaint had been received regarding visibility with the trucks parked along 9th and Spruce Streets.

Jennifer French – 2190 13th Street, Florence, OR 97439

Ms. French stated that she agreed with Ms. Wantz' comments. She said that it was a shame to see Gallagher Park across the street from an eyesore. She stated that turning onto Spruce from Highway 126 is difficult during the summer with vehicles going highway speed and the Robert's Handyman vehicles parked on the street on Spruce adds to that difficulty.

PUBLIC HEARING:

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 10 VAC 01 – 26th/27th ALLEY VACATION: An application by Ted and Patricia Wiemer to initiate the vacation of an undeveloped alley between 26th and 27th Streets east of Oak. The alley extends for the length of Block 45 of Frasier & Berry's Plat Part of the City of Florence. The applicant proposes that the City vacate and sell this area to abutting property owners. Utilities in this right-of-way include Central Lincoln PUD electrical services. The applicant has obtained the approval of 100% of abutting property owners.

Chairperson Hoile opened the hearing at 7:12 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest or bias. No Commissioner declared a site visit, ex parte contact, or conflict of interest 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 introduced the vacation application. He stated that the legal description of the alley was:

"The 10-foot wide alley extending the length of Block 45 of Frasier & Berry's Plat Part of the City of Florence as platted and recorded in Book 2, page 1, Lane County, Oregon Plat Records, lying East of the Easterly right-of-way line of Oak (Howard) Street and West of the Westerly right-of-way line of vacated Pine (Frasier) Street, in Lane County, Oregon."

PT Southerland stated that applicable criteria ORS 271.160 applies only because the applicant has indicated that he intends to perform lot line adjustments to transfer ownership of the entire alley to his property with the consent of the abutting owners. He then presented maps displaying the site and the alley in question.

PT Southerland stated that the alley is currently undeveloped and there are no plans to develop the alley in the future for any reason. He added that there is no thru access to Pine or Highway 101 because of previous vacations. He stated that the curb cut leading to the alley was incorrectly located and would require that anyone using the driveway travel through the applicant's property. He added that the applicant had received permission from Public Works to remove trees in the alley in preparation for moving electric utilities underground. PT Southerland stated that as part of referral comments received from Public Works Director Mike Miller, the applicant will need to provide easements for Central Lincoln PUD's underground utilities. PT Southerland added that the applicant and abutting property owner Ed Scarberry have reached an access agreement for any needed access to the rear of Mr. Scarberry's property.

PT Southerland stated that the staff recommendation was that the Planning Commission provide a recommendation to the City Council to vacate the alley with the conditions of approval provided. He stated that those conditions would be for the applicant to provide a survey and legal description of the alley, provide a map of the planned lot line adjustments, and provide an easement for the Central Lincoln PUD utilities. He stated that the applicant had spoken to staff regarding the need for easements and that staff had recommended that he determine his needs and provide an easement if and where needed.

Commissioner Muilenburg asked if 1659 26th Street was Mr. Scarberry's property. PT Southerland stated that he believed so, but was not sure. PD FarleyCampbell stated that 1659 26th Street was Mr. Scarberry's property, but not his residence.

Commissioner Muilenburg asked what the fee for the vacation was based on. PT Southerland stated that there was a flat fee for any vacation application, alley rights-of-way are given to property owners without any assessment of value of the alley, and streets are given an assessed value and the value of the lost right-of-way charged to the applicant. Commissioner Muilenburg asked if any person applying for the vacation of an alley would pay the \$3000 fee. PT Southerland confirmed.

Chairperson Hoile stated that the application seemed pretty straightforward, but it was odd that the curb cut for the alley was not located on the alley.

Applicant's Testimony – Ted Wiemer, 10775 SW North Dakota Street, Tigard, OR 97223

Mr. Wiemer stated that he would like to provide parking for some of his tenant's vehicles and RVs that keeps them out of the street. He said that the alley and fence had been overgrown and unsightly for a long time and would like to clean the area up for his tenants.

Mr. Wiemer said that currently the CLPUD utility pole is blocking access to some of the alley and he would like to move those utilities to make the alley useable.

Mr. Wiemer pointed to the pictures he submitted showing the current state of the site. Commissioner Bare thanked the applicant for the pictures.

Commissioner Muilenburg asked if the driveway shown on the pictures was located in the alleyway. Mr. Wiemer stated that the alley itself is overgrown and the driveway is on his property. Commissioner Muilenburg asked if the applicant intended to move the curb cut. Mr. Wiemer stated that he was not at this time, but could in the future.

Chairperson Hoile asked if Mr. Wiemer understood and agreed with the conditions of approval. Mr. Wiemer stated that he was willing to do what was needed to get the process finished. Chairperson Hoile said that Condition 3 required that a survey be provided. Mr. Wiemer stated that he had already completed a survey of his property and was hoping to measure from those points. Chairperson Hoile asked PD FarleyCampbell if that would work. PD FarleyCampbell stated that what was needed was enough information for the surveyor to provide a legal description of the alley. Commissioner Bare stated that he had just completed a similar process in Lincoln County and believed that the surveyor would need to complete an actual survey of the alley. Mr. Wiemer stated that he had talked to the surveyor and understood that the alley would be vacated to owners to the north and south and then he would need to transfer ownership of those southern portions of the alley through the deed. PD FarleyCampbell stated that staff had provided the applicant with applications for the lot line adjustments following approval by the City Council of the vacation.

Chairperson Hoile asked for any proponents, opponents or neutral parties wanting to submit testimony.

Chairperson Hoile closed the hearing at 7:33 p.m.

Commission Discussion

Chairperson Hoile stated that she was for the recommendation, but believed that the fee was very high for a vacation. PD FarleyCampbell stated that the fee was raised from around \$300 to \$3000 to cover the cost of 3 or 4 hearings and staff time.

Commissioner Bare moved to approve Resolution PC 14 10 VAC 01, Commissioner Muilenburg seconded the motion. By roll call vote: Commissioner Bare “yes”; Commissioner Muilenburg “yes”; Chairperson Hoile “yes”; Commissioner Murphey was absent and excused; Commissioner Burns was absent. The motion carries 3-0.

RESOLUTION PC 14 12 EAP 01: A request for a one-year extension to the approved subdivision and design review for Cannery Station, located at Assessor’s Map # 18-12-14-20 Taxlot 700 (Original Files # PC 12 13 SUB 01, and PC 12 14 DR 01).

Chairperson Hoile opened the hearing at 7:37 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest or bias. No Commissioner declared a site visit, ex parte contact, or conflict of interest 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. He introduced the application by giving a brief overview of previous approvals granted for the project, including: Preliminary PUD, Preliminary PUD extension, Preliminary Subdivision, and the approvals being extended, DR and Final PUD. PT Southerland stated that the Design Review and Preliminary Subdivision would expire on August 13, 2014 and May 28, 2015, respectively. He stated that the new expiration dates with the approval of the extension would be August 26, 2015 for the Design Review and May 28, 2016 for the Preliminary Subdivision.

PT Southerland presented maps of the site at the corner of Munsel Lake Road and Highway 101 and the approved Phase 1 and Lot 1 of the project.

PT Southerland stated that the applicant meets all of the criteria for the extension of the Design Review and has experienced special circumstances which would prevent progress on the project and warrant an extension. He added that the Preliminary Subdivision was previously granted a 6-month extension by Resolution PC 11 12 EAP 02, but is still eligible for 12 months of extension period.

PT Southerland outlined the conditions of approval proposed and stated that they established that all previously approved conditions are still applicable and the new deadlines.

Commissioner Muilenburg asked when substantial construction had to begin. PT Southerland stated that the substantial construction, in this case, the construction of a foundation, had to be completed before August 26, 2015.

Applicant’s Testimony – Chuck McGlade, 4055 Spring Blvd., Eugene, OR 97405

Mr. McGlade stated that he has been involved with this project since the beginning, but that the major partner in the Cannery Station project was Arlie & Company. He stated that after the owner of Arlie & Company and his wife died, a chaotic situation ensued. He stated that he worked with Siuslaw Bank to extract the Cannery Station property and project from Arlie & Company and debtors attempting to claim the various assets of the company. He said that he was unable to move forward with the project until this was completed in May.

Mr. McGlade stated that he was attempting to line up partners which would help him complete the project. He apologized for the wait, but said that he was highly motivated to complete the project because much of his life savings was tied up into the project.

Commission Discussion

Chairperson Hoile asked for any proponents, opponents or neutral parties wanting to submit testimony.

Chairperson Hoile closed the hearing at 7:51 p.m.

Commissioner Muilenburg moved to approve Resolution PC 14 12 EAP 01, Commissioner Bare seconded the motion. By roll call vote: Commissioner Bare "yes"; Commissioner Muilenburg "yes"; Chairperson Hoile "yes"; Commissioner Murphey was absent and excused and Commissioner Burns, was absent. The motion carries 3-0.

DISCUSSION ITEMS

Chairperson Hoile stated that she was surprised to see the O'Reilly's sign erected. PD FarleyCampbell stated that it was just a retail to retail conversion, so did not need any land use actions.

Commissioner Bare asked what happened to the cars at Bliss'. PD FarleyCampbell stated that she did not know for sure. Chairperson Hoile said that she hoped it reopened soon. Commissioner Muilenburg stated that the Ichiban Restaurant would be re-opening in that location.

DIRECTOR'S REPORT

PD FarleyCampbell stated that the Planning Commission had until September 1, 2014 to let the department know if they would like to attend Planning Commission training in Eugene.

PD FarleyCampbell stated that the next meeting on September 9, 2014 would be light, but that the next meeting after that on October 14, 2014 would be very full. Chairperson Hoile stated that she had asked if any of the items on the agenda for the October 14, 2014 meeting could be delayed to the second meeting in October.

PD FarleyCampbell stated that Council Goals will be filling the calendar, including Annexation Policy and Dark Sky Text Amendments later in November.

Commissioner Bare thanked PT Southerland for his work on the minutes and presentations before the Planning Commission and believed he was doing a good job. PD FarleyCampbell stated that she echoed that sentiment.

CALENDAR

The Planning Commission discussed the upcoming calendar. The next meeting is scheduled for September 9, 2014 at 7:00 p.m.

Chairperson Hoile adjourned the meeting at 8:01 p.m.

Cheryl Hoile, Planning Commission Chairperson

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 14 11 VAR 01

A REQUEST FOR A VARIANCE FROM THE 3 FOOT HEIGHT LIMIT FOR A FENCE ALONG THE FRONT YARD (9TH ST.) IN THE SINGLE FAMILY RESIDENTIAL DISTRICT LOCATED AT 910 SPRUCE STREET, AT THE NORTH EAST CORNER OF THE INTERSECTION OF SPRUCE AND 9TH STREETS, ASSESSORS MAP NUMBER 18-12-26-31 TAX LOT 04600.

WHEREAS, application was made by Robert Leturno for a variance to increase the fence height along his front yard located on 9th St. from 3 feet to 5 feet as required by Florence City Code (FCC) 10-1-1-4, and 10-5-3; and

WHEREAS, the Planning Commission/Design Review Board met in a public hearing on September 9, 2014 as outlined in FCC 10-1-1-5, to consider the application, evidence in the record, and testimony received; and

WHEREAS, the Planning Commission/Design Review Board determined per FCC 10-1-1-5-E, after review of the application, testimony and evidence in the record, as per FCC 10-5-4, that the application meets the criteria through compliance with certain Conditions of Approval; and

WHEREAS, the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact (Exhibit A), staff recommendation and evidence and testimony presented to them, that the application with modifications and conditions of approval meets the applicable criteria.

NOW THEREFORE BE IT RESOLVED that the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact and the evidence in record that:

The application, as presented, meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met.

APPROVAL INCLUDES:

A variance from FCC 10-34-5-B, a maximum front yard fence height of 3 feet to 5 feet.

1. Approval shall be shown on:

"A" Findings of Fact
"B" Application
"C" 9 th St. Existing Fence Photos

Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to the interior or ADA access which are regulated by Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented for this application, including text and exhibits, staff reports, testimony and/or discussions, the property owner and applicant agree to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The property owner and applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of building permit.

3. The applicant shall either plant a vegetative barrier and then remove or reduce the fence to meet the city code's permissible 3 ft. height within 5 years of approval or reduce the height of the fence to 4 ft. along Spruce St. within the front yard and along the entirety of 9th St.

APPROVED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 9th day of September 2014.

CHERYL HOILE, Chairperson
Florence Planning Commission

DATE

**STAFF REPORT & FINDINGS
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT
Florence Planning Commission**

Public Hearing Date: September 9, 2014 **Planner:** Wendy FarleyCampbell
Date of Report: September 2, 2014
Application: PC 14 11 VAR 01

I. PROPOSAL DESCRIPTION

Proposal: An application for a variance from the 3 foot height limit for a fence along the front yard (9th St.).

Applicants: Robert Leturno

Property Owners: Robert Leturno

Location: 910 Spruce St.

Site: 18-12-26-31 Tax Lot 04600

Comprehensive Plan Map Designation: Single Family Residential (RS)

Zone Map Classification: Medium Density

Surrounding Land Use/Zoning

Site: Single Family Residence / Single Family Residential (RS)
North: Single Family Residence / RS
South: 9th St. and HWY 126 / RS & Highway
East: Single Family Residence / RS
West: Gallagher Park / Open Space

Streets/ Classification:

Spruce St. – Collector, 9th St. (east) -- Local

II. NARRATIVE

The applicant requests a variance from the 3 foot height limit for his front yard fence along 9th St. A corner lot's front yard is defined in code as the narrowest frontage along a street, regardless of how the site is developed. The site's house includes pedestrian doors off of both 9th St. and Spruce St. and has vehicular access off of Spruce St.

County records indicate the house was built in 1937. The previous owner, Hollis De Henseler lived in the home since at least 1981, 32+ years, and sold to the applicant in

The preparation of this report was made possible in part through financial assistance provided by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, through a grant to the Department of Land Conservation and Development.

October 2013. Ms. De Henseler's fence consisted of lattice along Spruce St. stopping at the point perpendicular with the front of the house and included an opening at the driveway that also apparently served as the visitor entrance. The length along 9th St. was constructed with sections of horizontal square trellis around 3' in height with no pedestrian or vehicular access openings. Both fence lengths were not built for privacy or screening and met code requirements for height and location relative to the house. There are no records of building permits or denied or approved variance's for Ms. De Henseler's fence.

After the applicant purchased the home in 2013, he remodeled it and constructed a new 5 ft. high solid wood perimeter fence along 9th and Spruce Sts. A code enforcement action, initiated by area residents, on the fence height prompted this application for a variance.

Recently, staff has received multiple inquiries from property owners in the area concerning property line encroachments. Staff conferred with a local surveyor about the property surveys for this area. He confirmed that there is a larger issue for the area east of Spruce St. The NE corner of 9th and Spruce St. in particular has three property markers. This staff report and findings reviews fence height and relative location to the house only and does not review location relative to property lines. A decision on this variance does not acknowledge nor approve assumed property lines. The applicant affixed the new fence to the existing fence.

III. REFERRALS/ NOTICES

Referrals:

Referrals were sent to Florence Building Department, Florence Police Department, Siuslaw Valley Fire & Rescue, Florence Public Works Department and Code Enforcement on August 20, 2014.

On September 2, 2014, Mike Miller, Public Works Director responded via email that Public Works staff checked the fence for vision clearance (at the intersection of 9th and Spruce St.) and found that it was not within the vision clearance area and he therefore had no objections to the application. (See Exhibit J)

No additional responses were received.

Notice:

Notice was mailed to property owners within 300 feet of the site and a notice of land use decision sign was posted on the property on August 20, 2014. On September 3, 2014, a notice was published in the *Siuslaw News*.

On August 26, 2014, Jon Herring of 2056 10th St. wrote with concerns about dual intersection proximity, short line of site for the 9th and Spruce St. intersection, vision

clearance, traffic congestion, parking congestion with the adjacent park, and increased traffic due to the applicant's business operating from the home. (See Exhibit I)

IV. APPLICABLE REVIEW CRITERIA

Florence City Code (FCC) Title 10:

Chapter 1: Zoning Administration, Section 4

Chapter 5: Zoning Variances

Chapter 11: Single Family Residential District, Sections 4-D and 5-B

Chapter 34: Landscaping Section 2 & 5

V. FINDINGS

The criteria are listed in bold followed by the proposed findings of fact.

CHAPTER 1-4: DEFINITIONS

LOT LINE

A. Front: The lot or parcel line abutting a street. For corner lots or parcels the lot or parcel front line is that with the narrowest street frontage. For double frontage lots or parcels the lot or parcel front line is that having frontage on a street which is so designated by the land divider and approved as part of a subdivision or partition as provided for in this Code.

B. Rear: The property line which is opposite and most distance from the front lot line. In the case of triangular shaped lot, the rear lot line for building purposes shall be assumed to be a line ten feet (10') in length within the lot, parallel to and at the maximum distance from the front lot line.

C. Side: Any property line which is not a front or rear lot line.

The lot is situated at the corner of Spruce and 9th Sts. The narrowest frontage is located along 9th St. Therefore the front lot line is along 9th St., the rear lot line is shared with 962 Spruce St. and the side lot lines are those lying along Spruce St. and shared with 2061 9th St.

YARD

An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, FRONT

An area lying between side lot lines, the depth of which is a specified horizontal distance between the street line and a line parallel thereto on the lot.

YARD, REAR

An area lying between side lot lines, the depth of which is a specified horizontal distance between the rear property line and a line parallel thereto on the lot.

YARD, SIDE

An area adjacent to any side lot line the depth of which is a specified horizontal distance measured at right angles to the side lot line and being parallel with said lot line. (Ord. 625, 6-30-80) (Amended Ord. No. 9, Series 2009)

The above yard definitions are associated with the aforementioned and defined lot lines. They are informational for the discussion below in Chapter 11-4.

CHAPTER 11-4: SINGLE FAMILY RESIDENTIAL--LOT AND YARD PROVISIONS

D. Yard Regulations: Unless a variance is granted in accordance with Chapter 5 of this Title, minimum setbacks and yard regulations shall be indicated below:

1. **Front Yards:** No garage or parking structures shall be closer than twenty feet (20') from the front property line. All other buildings shall be set back at least twenty feet (20') in new subdivisions and twenty feet (20') in older, established neighborhoods.
2. **Side Yards:** A yard of not less than five feet (5') shall be maintained on each side of the lot. Corner side yards shall not be used for clotheslines, incinerators, permanent storage of trailers, boats and recreational vehicles or of any materials, nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.
3. **Rear Yards:** Dwelling units shall be set back not less than ten feet (10') from the rear property line. Accessory buildings shall be set back not less than five feet (5') from the rear property line. All patio structures and swimming pools shall be a minimum of five feet (5') from any side or rear property line.

The above is provided to illustrate how lots are to be developed once platted. However, it is not uncommon for homes to have been constructed contrary to this code due to differences in code at the time of approval or oversight. This house was constructed prior to any known applicable city code. The house is situated approximately 12' from the 9th St. front lot line and 22' from the Spruce St. side lot line, the opposite of the above listed criteria.

CHAPTER 11-5: SINGLE FAMILY RESIDENTIAL--SITE DEVELOPMENT PROVISIONS:

B. Fences: See Code Section 10-34-5 of this Title.

CHAPTER 34-5: FENCES AND WALLS

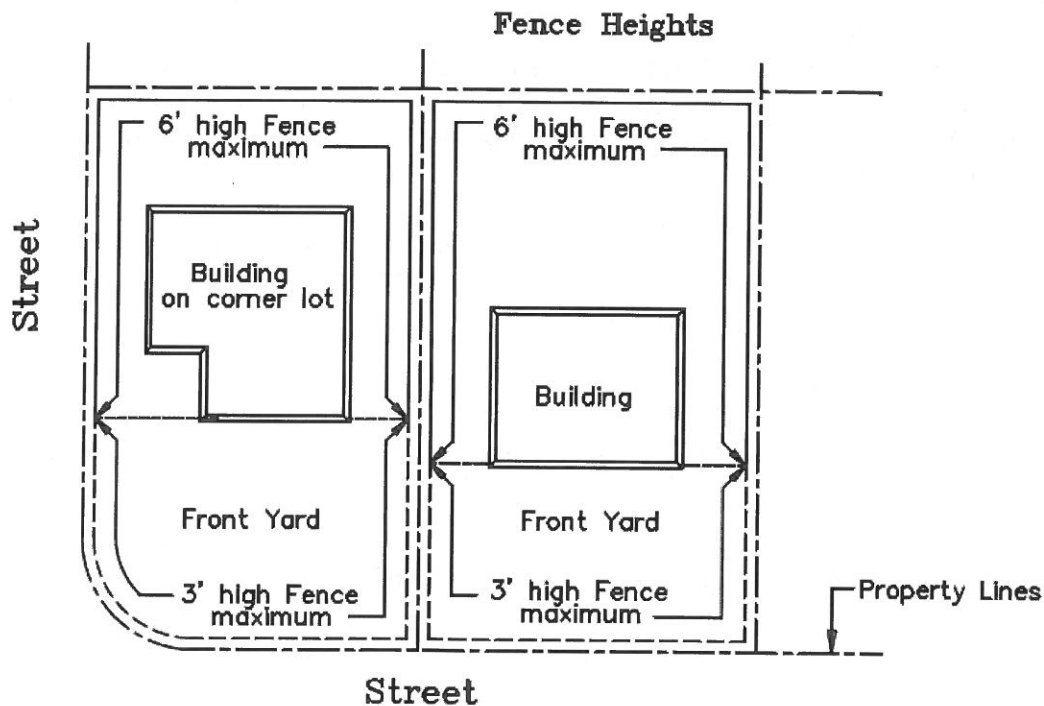
10-34-5: FENCES AND WALLS: Construction of fences and walls shall conform to all of the following requirements:

A. General Requirements. All fences and walls shall comply with the height limitations of the respective zoning district and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval, approval of a conditional use permit, or design review approval. When required through one of these types of approvals, no further land use review is required. (See also, Section 10-34-3-6 for landscape buffering and screening requirements.)

B. Dimensions.

1. Residential Zones: Except as provided below, the height of fences and walls between the building and the front lot line shall not exceed three (3) feet as measured from the grade and no greater than 6 feet in height in rear and side yards unless the front door is located on the longer side of the lot, in which case the fence shall not exceed three (3) feet in height or taller fences or walls are allowed through Design Review approval. (See Figure 10-34(2))

Figure 10-34(2): Residential and Commercial Fence Standard



The applicant has installed a 5 ft. high fence along both 9th and Spruce Sts. If designed to code the 9th St. fence and that portion of fence along Spruce St. between the building and the front lot line should be no more than 3 ft. high. And, the Spruce St. fence could be no greater than 6 ft. high in the side yard from the southern point where the building starts to the rear lot line. Code does permit the front yard fence to be greater than the 3 ft. height if the front door is situated on the side yard. The applicant has not indicated the location of the front door. Both the 9th and Spruce St. house walls have pedestrian

doors. The recent remodel added a dormer roof to create a covered entrance to the pedestrian door off of Spruce St. The Planning Commission could redesignate the front yard to Spruce Street permitting the 5 ft. high fence along 9th St. and reducing the fence height along Spruce St. The applicant has asked for a variance from the 3 ft. front yard fence height, specifically along 9th St. He has not suggested a redesignation of the front lot line to Spruce St. The code permits the Design Review Board to review and approve applications for taller front yard fences in accordance with the exceptions outlined below.

C. The following exceptions may be allowed through Design Review or Administrative Review.

- 1. Specifically for RV parking in residential zones, the height of fences and walls shall not exceed eight (8) feet in the rear and side yards.**
- 2. A retaining wall exceeding four (4) feet in height within a front yard setback which is necessary for site grading and development (see also FCC 10-34-5-D-3).**
- 3. One arbor, gate, or similar garden structures not exceeding eight (8) feet in height and six (6) feet in width is allowed within the front yard, provided that it is not within a required clear vision area. Courtyard walls up to 6 feet in height may also be allowed in the front yard.**
- 4. Walls and fences for swimming pools, tennis courts, and other recreational structures may exceed six (6) feet provided they are not located in the front yard.**
- 5. Walls and fences taller than otherwise allowed if needed for screening, safety or security purposes.**

The applicant requests a taller fence for screening night-time vehicular traffic turning left onto Spruce St. from east bound Hwy 126. A taller fence for screening is an exception allowed through the Design Review Board.

D. Specific Requirements

- 2. Fences and walls shall comply with the vision clearance standards of FCC 10-35-2-13.**

TITLE 10 CHAPTER 35: ACCESS AND CIRCULATION

FCC 10-35-2-13 is actually code for Vertical Clearances, 2-14 states:

Vision Clearance: No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) shall block the area between two and one-half feet (2 ½') and eight (8) feet in height in "vision clearance areas" on streets, driveways, alleys, mid-block lanes, or multi-use paths where no traffic control stop sign or signal is provided, as shown in Figure 10-35(4). The following requirements shall apply in all zoning districts:

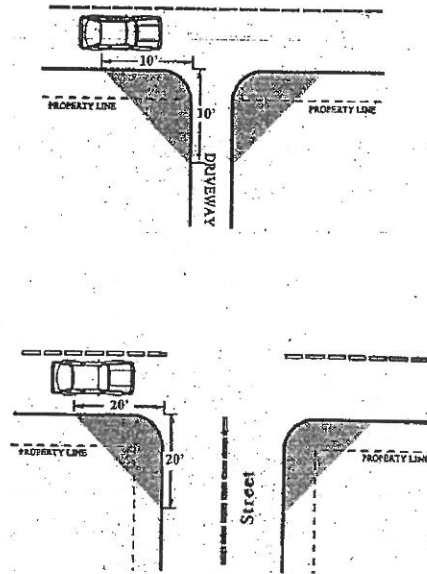
A. At the intersection of two (2) streets, minimum vision clearance shall be twenty feet (20').

B. At the intersection of an alley or driveway and a street, the minimum vision clearance shall be ten feet (10').

C. At the intersection of internal driveways, the minimum vision clearance shall be ten feet (10').

The sides of the minimum vision clearance triangle are the curb line or, where no curb exists, the edge of pavement. Vision clearance requirements may be modified by the Public Works Director upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). This standard does not apply to light standards, utility poles, trees trunks and similar objects. Refer to Section 10-1-4 of this Title for definition.

Figure 10-35(4)



Public Works inspected the fence and found it to meet the 20 ft. vision clearance area at the intersection of 9th and Spruce Sts. The fence appears to meet the 10 ft. vision clearance area along Spruce St. The vision clearance areas are free of visual obstructions; therefore, the proposal meets the criterion.

TITLE 10 CHAPTER 5: ZONING VARIANCES

10-5-2: LIMITATIONS: A variance shall not be granted as a substitute for, or in lieu of, a change in zone. A variance does not apply to use regulations. The Planning Commission may grant a variance to a regulation prescribed by this Title with respect to the following:

A. Fences, hedges, walls or landscaping.

...

I. Grant only the minimum variance necessary to meet the hardship or practical difficulties.

J. Attach such conditions to the granting of all or a portion of any variance as necessary to achieve the purpose of this chapter.

The applicant applied for a variance from a fence code in Title 10, Chapter 34, which states, "the height of fences and walls between the building and the front lot line shall not exceed three (3) feet as measured from the grade."

The applicant requests a 2 foot variance from the 3 ft. height limit. The request is made to screen head lights from vehicles turning onto Spruce St. from Highway 126 and

turning onto 9th St. from Spruce St. There are two windows and a door on the 1st floor along the 9th St. wall face. The site is a higher elevation than the intersection of Hwy 126 and Spruce St. The existing 5 ft. fence was installed without attempting to add screening to the existing lattice fence and determine if a lesser fence height would adequately screen the oncoming headlights. Staff photographed the location of vehicle head light beams along the length of the 9th St. fence to assess the severity of the problem and determine whether a lesser variance could have been sought either height or length wise. Staff found that regardless of the elevation difference the light beams from a passenger car do travel across the fence about two feet above the base of the fence. It is likely that taller vehicles headlights would cast a light beam higher along the fence. Staff finds that a three or four ft. fence would probably have been sufficient height to block all but the tallest of trucks. The classification of the Spruce St. as a "Collector" means that business traffic from larger delivery vehicles will regularly traverse the street. Whether Spruce St. has regular business traffic during the periods of low light was not researched by staff.

FCC 10-5-1 states, **"PURPOSE: The purpose of a variance shall be to prevent or to lessen such practical difficulties and unnecessary physical hardships which are inconsistent with the objectives of this Title. A practical difficulty or unnecessary physical hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity.**

The variance request does not conflict with the purpose of the Chapter 5: Zoning Variance. The subject site is located at the corner of a collector and a major arterial. According to Figure 4-7 of the 2012 Transportation System Plan the intersection sees 150 vehicles per hour turning left onto Spruce St. from Hwy 126 during weekday pm peak hour traffic conditions. For comparison Figure 4-7 illustrates that this count is the same as the Hwy 126 to northbound Hwy 101. The trip count is much higher than the 50 trips from 9th to northbound Kingwood and the 110 from 9th to northbound Rhododendron Dr. and the 100 from Hwy 101 to westbound 35th St.

The house is pre-existing in its orientation and layout whereby a garage if placed at that corner would have improved the impacts from the intersection. The solar access resulting from constructing the garage on the north side has likely made it worthwhile. Both the location and orientation of the existing structure, the proximity to the intersection of Hwy 126 and Spruce St., and the large trip counts at the intersection are physical hardships.

10-5-4: CONDITIONS: The Planning Commission may grant a variance to a regulation prescribed by this Title if, on the basis of the petition, investigation and evidence submitted, the Planning Commission finds:

A. Strict or literal interpretation and enforcement of the specified regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Title.

As stated in the purpose statement above, "A practical difficulty or unnecessary physical hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity." The property's location adjacent to the intersection of Hwy 126 and Spruce St. is a geographical constraint which would be considered a practical difficulty. The variance application is not inconsistent with the objectives of Title 10.

B. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district, or

C. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district, and

As mentioned above, the intersection of Hwy 126 and Spruce St. and the amount of traffic at this intersection is an exceptional or extraordinary condition applicable to the property and does not apply generally to other properties in the same zoning district or other residential properties for that matter. There are no other properties zoned Single Family Residential at the intersection of a major arterial and a connector. Furthermore, there are no other single family residential properties located at the intersection of a major arterial and a connector or a major arterial's intersection with any other classification of street. The proximity of the single family residence to the intersection of two major streets classifications with high traffic volume does not generally apply to other properties in the district. Other property owners in the area have sought to have their fences higher along Spruce because of the traffic etc.... The property located at 2013 10th St. was permitted to construct the fence higher than 3 ft. in the front yard due to the public works truck yard access being directly across the street. The applicant's situation is more of a hardship than other properties in the area.

Typically you see one of two situations for corner lots. Often the residence is constructed such that the garage is closest to the intersection. Where that is not the case the vegetation has been retained or planted at the corner of the lot to effectively screen headlights. While it may take a few years to be effective planting vegetative screening is an opportunity available to the applicant. The Planning Commission could decide to place a time limit on the variance to provide an opportunity for the applicant to plant vegetation and give it time to grow.

D. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

The drastic change from a see-through fence to a perimeter property enclosure was a shock to the neighborhood. The intersection does serve as a gateway into the east side of the city, especially with its proximity adjacent to Gallagher Park. There are clearly other methods the property owner could have used to screen the lights and maintained

the original character of the neighborhood. The remodel on the house is worth showing off but is now screened behind the perimeter fence. However, restricting a property owner from avoiding a nuisance and the subsequent enjoyment of his property in order to serve the public welfare of maintaining the original character of this area is not warranted by policy for this zoning district. There are other issues brought up in public testimony which are nuisance violations that will be handled through application of code enforcement. The variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

VI. ALTERNATIVES

There are several options available to Planning Commission: approve the variance as requested, approve with conditions such as reducing the permissible height of the fence, or setting a timeline such as 5 years for the variance to permit a vegetative barrier to be planted and grow to sufficient density and height for screening, or deny the application of continue the hearing to get additional information. These are listed below.

1. Approve the application based on the findings of compliance with City regulations.
 2. Modify the findings, reasons or conditions, and approve the request as modified.
 3. Deny the application based on the Commission's findings.
 4. Continue the Public Hearing to a date certain if more information is needed.
-

VII. CONCLUSIONS AND RECOMMENDATIONS

Staff finds that the proposed application meets the requirements of City Code with conditions, and recommends approval of the design review subject to the following conditions.

VI. CONDITIONS OF APPROVAL

1. Approval shall be shown on:

"A" Findings of Fact
"B" Application
"C" 9 th St. Existing Fence Photos

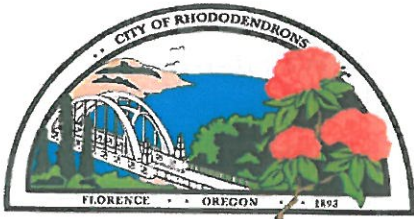
Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to the interior or ADA access which are regulated by Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented for this application, including text and exhibits, staff reports, testimony and/or discussions, the property owner and applicant agree to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The property owner and applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of building permit.

3. The applicant shall either plant a vegetative barrier and then remove or reduce the fence to meet the city code's permissible 3 ft. height within 5 years of approval or reduce the height of the fence to 4 ft. along Spruce St. within the front yard and along the entirety of 9th St.

VII. EXHIBITS

- A. *Staff Report & Findings of Fact*
- B. Application
- C. 9th St. Existing Fence Photos
- D. Spruce St. Existing Fence Photos
- E. 9th St. and Spruce St. Previous Fence Photos
- F. Figure 4-3, Existing Functional Classification, TSP 2012
- G. Figure 4-7, Existing Traffic Operations, Weekday PM Peak Hour, TSP 2012
- H. Video Frame Capture Images
- I. Letter dated August 26, 2014, from Jon Herring, 2056 10th St.
- J. Email dated September 2, 2014, from Florence Public Works Director, Mike Miller



City of Florence
Community Development Department
250 Highway 101
Florence, OR 97439
(V): (541) 997-8237
(F): (541) 997-4109
www.ci.florence.or.us

Land Use Application for Variance

(please also refer to FCC 10-5 for limitations, process and criteria)

I. Applicant Information (*required information)

*Name: Robert Iturno *Phone (541) 997-5970
Email Address: Handyrobortz@hotmail.com
*Mailing address: 910 Spruce St
*Signature: _____ *Date: 7-31-14

II. Property Owner Information (*required information)

*Name: _____ *Phone () - -
Email Address: _____
*Mailing address: Same as
*Signature: _____ *Date: _____

If applicant and property owner are not the same, either sign or submit a letter of authorization to allow the applicant to act as agent for the property owner. The property owner agrees to allow Planning Staff and Planning Commission on the property. Please let staff know if notification or special arrangements are needed.

III. Property Description

Property Address: 910 Spruce St

General Location (example: City Hall is at the SE corner of 2nd and Highway 101):
corner 9th and Spruce

Assessor's Map and Tax Lot _____ Lot Size: _____

Zoning District: Restricted Residential

Describe the conditions and land uses of all land within 600 feet from the proposed site that is one acre or larger and within 100 feet the site that is less than an acre or attach a map: _____

Residential and public works

Please explain the existing conditions of the site: Single family home

(Continue on the next page)

IV. Utilities

List public services currently available to the site: (see Florence City Code (FCC) 10-1-1-4-B3)

Note: For help in filling this section out, please call Dig Safely Oregon 1-800-332-2344 or 811

Water Supply: _____ - inch line available in Street(s) _____

Sanitary Sewer: _____ - inch line available in Street(s) _____

Storm Sewer: _____ - inch line available in Street(s) _____

Telephone: ☐ is ☐ is not available in Street(s) _____

Cable TV: ☐ is ☐ is not available in Street(s) _____

Electrical: ☐ is ☐ is not available in Street(s) _____

Other (such as fiber optics): _____

Is your variance application tied to another application? ☐ yes ☐ no, If so, please list the other applications you have submitted: _____

V. Project Description

Proposal: *Attach additional sheets if necessary (double sided copies please). Describe the project in detail, what is being proposed, size, objectives, what is desired by the project.

5 foot tall fence

Please explain the variance request: Head lights from 126 come into house Keep dogs out security

x

What are the practical difficulties and physical hardships involved? fencing is the only solution to problems

Please explain the reasons for a variance being the most practicable solution to the problem: because theres no other way to resolve these issues

(Continue on the next page)

VI. Criteria (FCC 10-5-4)

The Planning Commission may grant a variance to a regulation prescribed by this Title if, on the basis of the petition, investigation and evidence submitted, the Planning Commission finds:

- A. Strict or literal interpretation and enforcement of the specified regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Title.
- B. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district, or
- C. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district, and
- D. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.
- E. In the case of a variance to the sign provisions, the power to grant variances does not extend to the convenience of the applicant, nor is it intended to extend to the convenience of regional or national businesses which wish to use a standard sign when these do not conform to these provisions.

Please explain how you meet the criteria Attach additional sheets if necessary (double sided please):

- A.) IF Variance is not Granted I would be forced to have headlights from 126 coming in my living room and bed room
 - B.) Other properties do not border 126 and the Park where homeless people gather
 - C.) It will not because other properties in the area have been granted a variance for the same issue.
 - D.) It will not fence is on a mostly unused street and does not interfere with any building
 - E.) rules not apply
- also fence is in exact place as an old existing fence see attached pictures

V. Additional Information Required

The below is check list of the required information to determine an application complete. Florence City Code (FCC) references are provided for your convenience. FCC is available at City Hall or on-line at www.ci.florence.or.us, click on "City Code". Copies of the *Florence Transportation Plan*, *Downtown Architectural Guidelines*, and *Highway 101 Access Management Plan* are available at the City Hall for review or purchase as well as on-line, under "City Services" click on Planning. The plans are found on the right menu.

FCC Title 10, Chapter 1 states that staff has 30 days to review the application for completion. A written notice explaining application deficiencies or acknowledging a complete application will be provided to the applicant and/or representative. Please be aware that the applicant has the burden of proof to show how the project meets the applicable criteria as (refer to FCC 2-10-6). If you have questions, contact the Planning Department at 541-997-8237.

(Continue on the next page)

☐ Title Report from a Title Company (per FCC 10-4-3-C and 10-6-6-E)- indicating liens, access and/or utility easements, legal description

☒ Site Plan (per FCC 10-5)- drawn to scale showing dimensions, illustrating the size and location of existing use and structures on the property.

☐ Off-Site Conditions- (per FCC 10-1-1-4-B-3) 600 feet from the proposed site that is one acre or larger and within 100 feet the site that is less than an acre (300 feet for a conditional use permit as per FCC 10-4-3-B). Drawing needs to include property lines, utility locations and sizes, existing and future streets, significant grade changes and natural features such as streams, wetlands and sand dunes. If possible, please include adjacent property's ingress and egress locations.

☐ Old Town District:

☐ Survey (for Old Town Zoning District) (per FCC 10-17A-4-K-1-a, 10-17B-4-K-1-a, and 10-17C-4-K-1-a)-All new development, redevelopment, and additions require a recent survey map drawn to scale which shows property lines, easements, 2' contours, existing structures (including height of sea-wall, if appropriate), floodplain, and highest observed tide.

☐ Visual Aids (for new construction or story addition in Old Town)- Please refer to FCC 10-17A-4-K-1-b, 10-17B-4-K-1-b, and 10-17C-4-K-1-b for the requirements for each subsection.

☐ Access permit (for properties along State or County Roads) (see FCC 10-35-2-4)- A State or County complete access permit or application is required. For properties on Highway 101 located between Highway 126 and the bridge, please refer to the *Highway 101 Access Management Plan*.

☐ Stormwater: (only one applies) meeting design requirements outlined in FCC 9-5-3:

☐ Preliminary Development Plan (per FCC 9-5-2-A-4): (projects which are under 1 acre adding 500 square feet or greater of impervious surface area or clearing 10,000 square feet or greater per FCC 9-5-2-2-C) Shall include a general description of the proposed project property and description of existing structures, buildings, and other fixed improvements located on the property and surrounding properties. The plan shall also include natural water flow of the existing property, soils, storm water drainage, flooding from high groundwater table. The Plan also shall identify the features outlined in FCC 9-5-2-A-4.

(Continue on the next page)

☐ A Stormwater Management Plan (per FCC 9-5-2-3): Stormwater Management Plan is required for projects over 1 acre is required with construction drawings, please refer to FCC 9-5-2-3 for submittal requirements.

FCC 10-5-7 states, "EXPIRATION OF VARIANCE: Authorization of a variance shall be voice one (1) year after the date of approval of a variance application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

A. The request for an extension is made in writing prior to expiration of the original approval

B. There are special or unusual circumstances that exist which warrant an extension.

C. No material changes of surrounding land uses or zoning has occurred.

The Planning Commission may deny the request for an extension of a variance if new land use regulations have been adopted that affect the applicant's proposal. (Ord 26, 2008)"

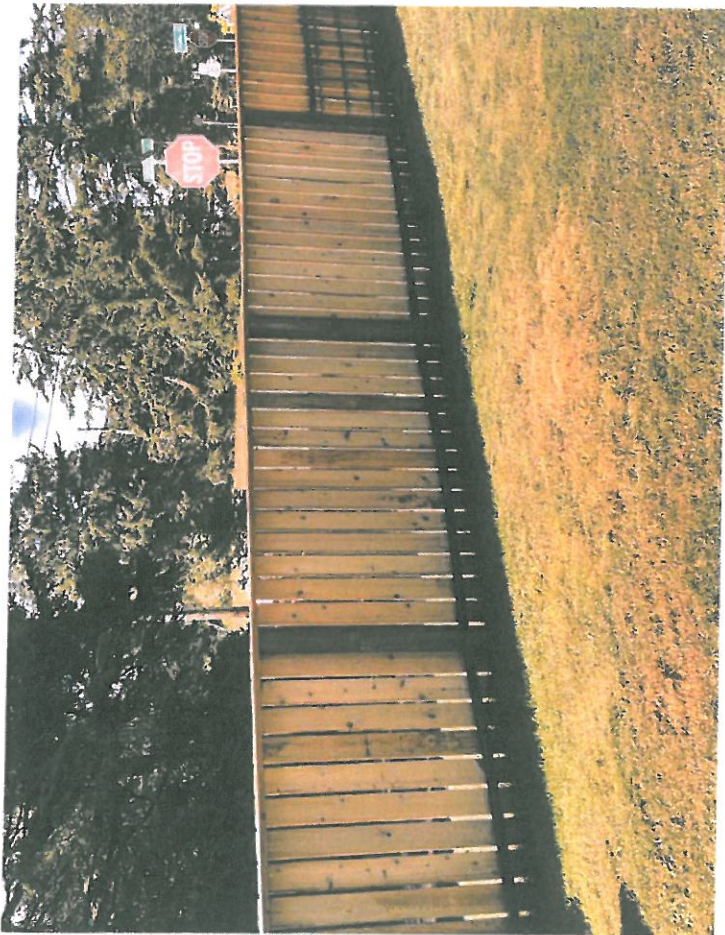


Exhibit C

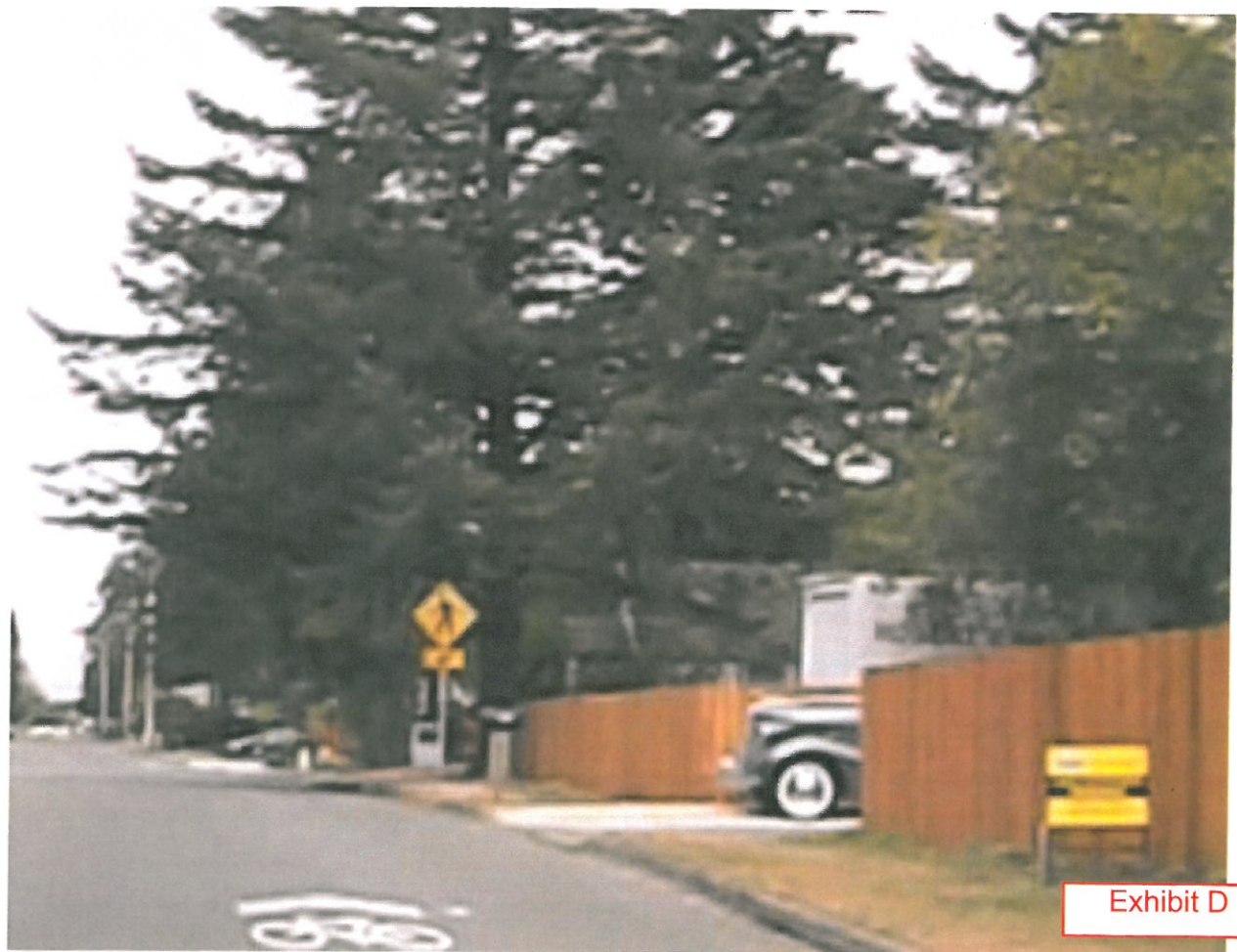


Exhibit D



Exhibit E



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LEGEND

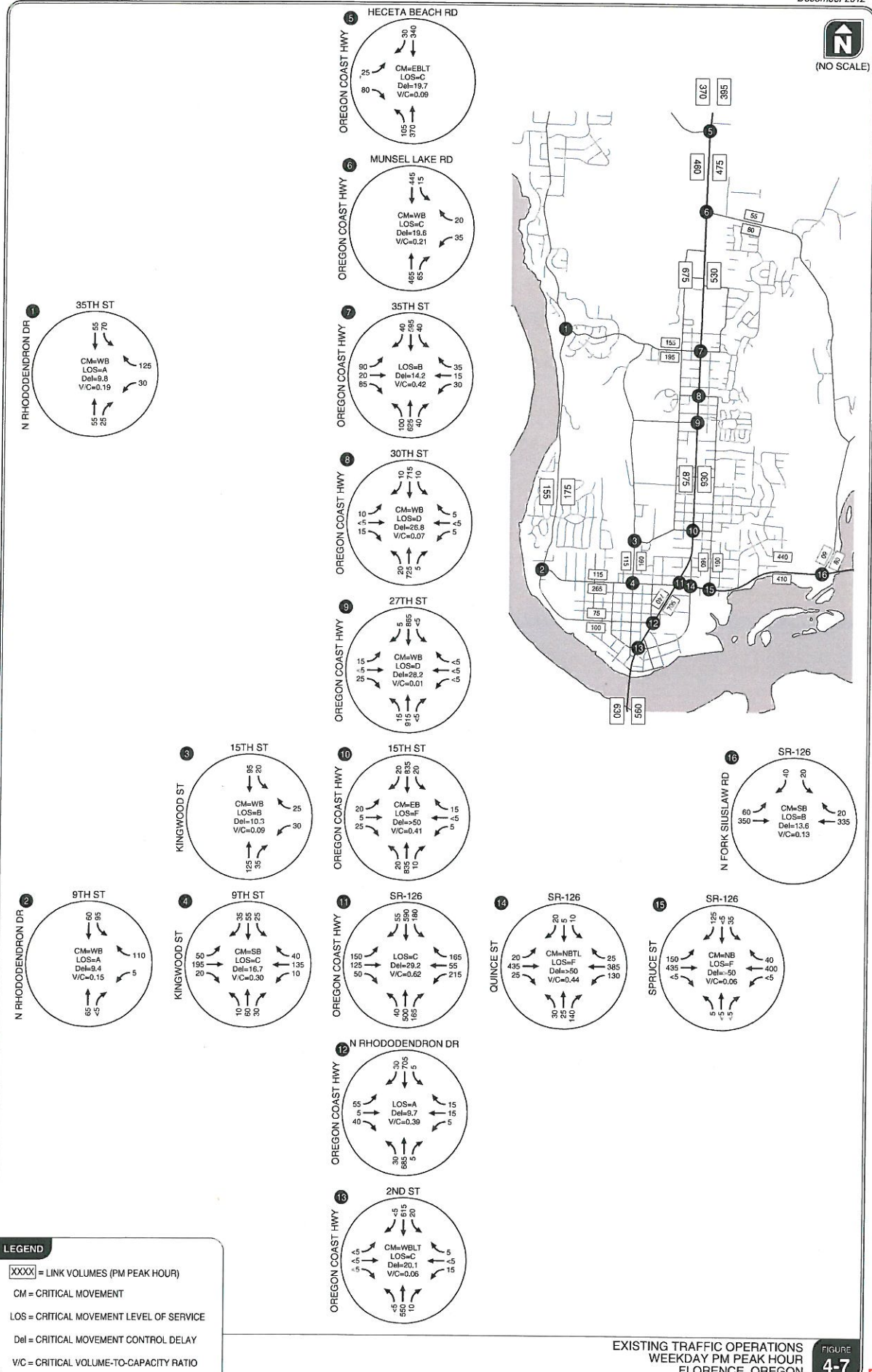
-  City Limits
-  Highway / Major Arterial
-  Minor Arterial
-  Collector
-  Local
-  Collector (Proposed)
-  Local (Proposed)
-  Public & Open Space
-  Urban Growth Boundary



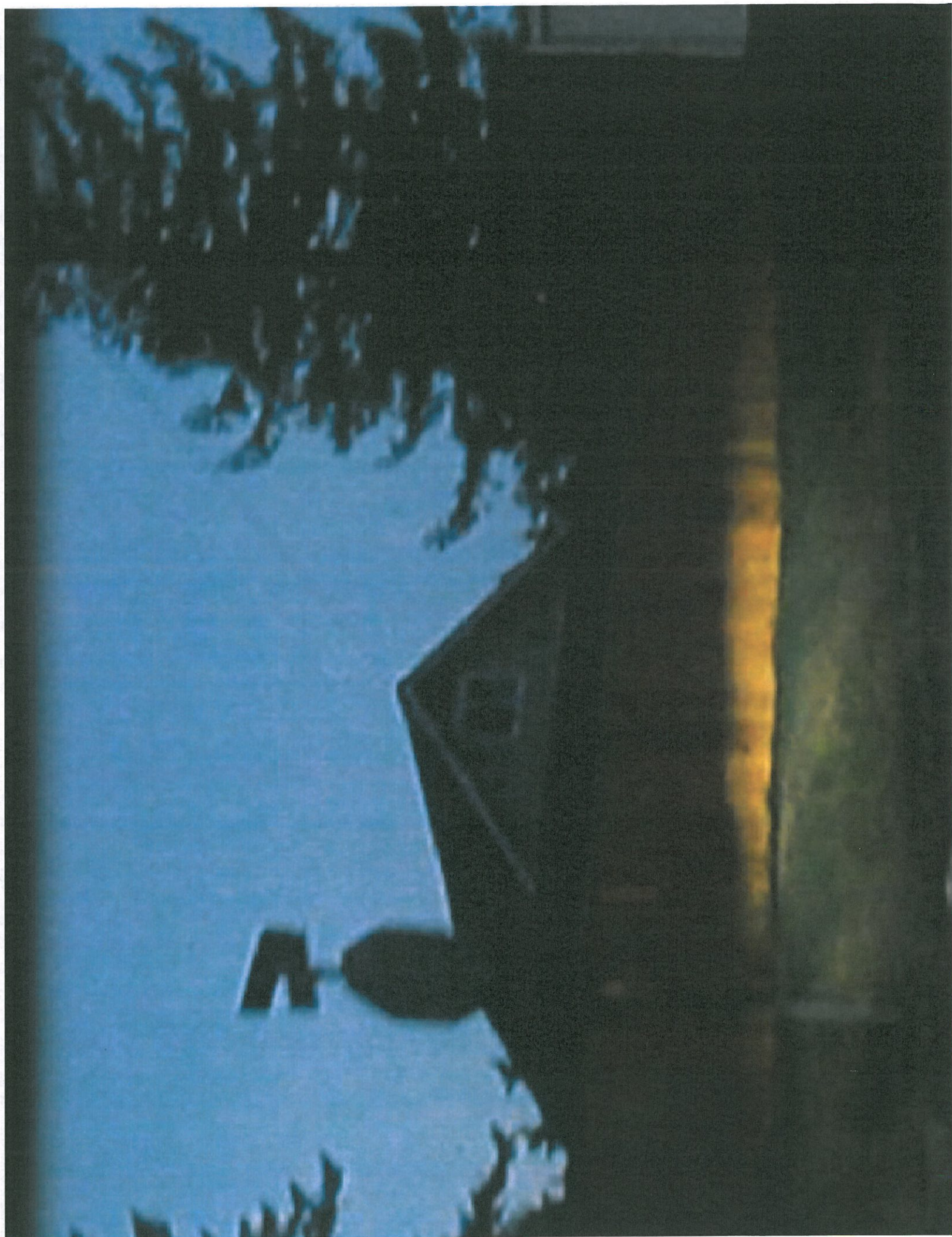
**FUNCTIONAL CLASSIFICATION
FLORENCE, OREGON**

FIGURE
4-3

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August 25, 2014

Florence Planning Commission
250 Hwy 101
Florence, OR 97439

To Whom it May Concern:

My name is Jon Herring. I have lived in Florence, Oregon my entire life. I've seen Spruce Street when it was just a dead-end gravel road. Through the years, it has become a completed street with constant traffic, which requires the city to take into consideration the problem at hand. The corner of 9th Street and Spruce is very close to the intersection of Spruce and Highway 126, resulting in a tricky left turn. The lot of address 910 Spruce Street is raised up about 4 feet above the road on the corner, so with this 5 foot fence, it's about 9 feet high. Even with a 3 foot fence, it would be about 7 feet high from the road, to say the least. Even with a see-through fence, it's just a matter of time before an accident happens there, due to the lack of a line-of-sight. With all the traffic coming on to Spruce Street from Hwy. 126 and all the traffic coming down Spruce Street, trying to turn left SAFELY onto Spruce from 9th Street is almost impossible. I can't see past the fence, making this whole corner a blind corner. I've just about been in two accidents already at this intersection, since the fence has been put up. A driver has to be half way out in the road to see if it's clear to pull out onto Spruce Street. At any given time, there are 2-8 cars and/or trucks parked on this side of the street, making visibility even more difficult. The property of 910 Spruce Street has always been owned by elderly people, and no one has ever run a business from this house until now. This has resulted in more traffic in this area. I also think that putting up No Parking signs from the corner of 9th and Spruce Street to 100 feet up Spruce and 50 feet from the corner down 9th street would help with the visibility problem. This intersection has become a very dangerous and busy place. If this variance is granted and when a wreck happens here, who will be responsible, the city of Florence for allowing it, or the property owner? There is a park across the street from this corner and when cars are parked on this side of the street visiting the park, it becomes more dangerous. I strongly feel that this 5 foot solid fence is a danger to drivers' visibility and hope that this variance is not granted. Thank you for your time.

Sincerely,



Jon Herring

Exhibit I

From: [Mike Miller](#)
To: [Wendy Farley-Campbell](#); [Glen Southerland](#)
Subject: PC 14 11 VAR 01 - Leturno Fence Variance
Date: Tuesday, September 02, 2014 3:21:12 PM

Good afternoon,

Public Works staff checked the fence for vision clearance and it is not within the vision clearance area, therefore Public Works has no objections to this application.

Thank you,

Mike

Mike Miller
Public Works Director
City of Florence
250 Hwy 101 N
Florence, OR 97439

Phone: 541-997-4106
Fax: 541-902-1333

The City of Florence is an equal opportunity employer and service provider.

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EXHIBIT J



FLORENCE PLANNING COMMISSION

MEMO DATE: September 3, 2014

MEETING DATE: September 9, 2014

STAFF: Wendy FarleyCampbell, Planning Director

SUBJECT: Council Goal 2014 - Dark Sky Code Implementation

This memo serves as an introduction to the 2014 Florence City Council Goal related to proposed Dark Sky code amendments.

Dark Sky lighting regulations are designed to reduce light pollution, the effects of unnatural lighting on the environment, and cut down on energy usage. Steps to initiate code implementation includes identifying existing city policy related to lighting, assessing Florence' lighting situation by identifying illumination levels, evidence of glare, light trespass and clutter in both commercial and residential areas of Florence; comparing the Dark Sky code elements with Florence' lighting policies; and preparation of draft code language options based on the lighting assessment and code research.

An abbreviated introduction to the basis for Dark Sky code based on the International Dark Skies Association (IDSA) follows. Their website includes a breadth of information and associated links. Staff has attached two information guides from the IDSA website. They are the IDA Practical Guide, Topic Residential Lighting, Simple Guidelines for Lighting Regulations for Small Communities, Urban Neighborhoods, and Subdivisions and Light Pollution and Human Health, IDA 2009 . For more information you can go to www.darksky.org.

Dark Sky regulations focus on eliminating glare and light trespass through bulb shielding, reducing light clutter by targeted light fixture placement (right light for the right job), and reducing energy waste by supporting LEDs, and the use of timers, dimmers, and sensors. The IDSA cites the following light pollution impacts:

Safety: Glare from unshielded lights creates deep shadows offering criminal concealment; glare and visual distractions along streets offer challenges to concentration; too much light or consistent light provide illumination that vandals and criminals need.

Energy Waste: Unshielded lights require higher wattage bulbs; consistent lighting uses energy unnecessarily.

Human Health: Light pollution causes early on-set of vision problems such as reducing contrast sensitivity and color perception; suppresses melatonin which regulates the daily systemic activity cycles; creates sleep disorders increasing weight gain, stress, depression and the onset of diabetes; and disrupts circadian rhythms resulting in insomnia, cancer and cardiovascular disease. *Florence relevance: higher number of older drivers who are more susceptible to vision problems; our city code supports increased density and mixed uses in Commercial, Mainstreet and Old Town Districts.*

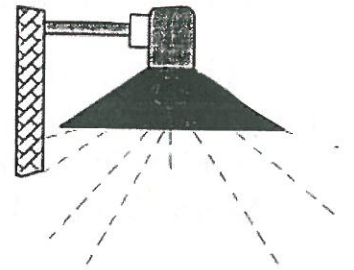
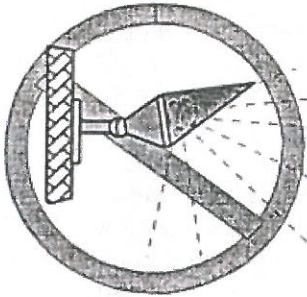
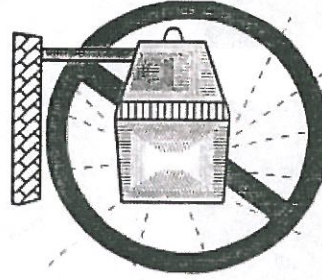
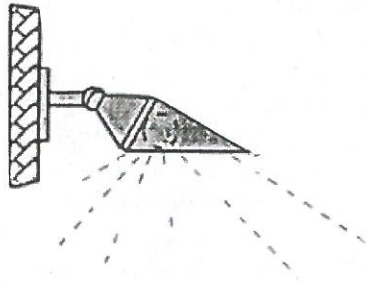
Wildlife Health: Light pollution affects nocturnal animal and insect breeding, health, migration and population numbers. *Florence relevance: predominately the amphibian and reptile habitat in the estuary, wetland and riparian areas affected by sky glow and river and beach properties' with light trespass.*

The Dark Sky regulation implementation topic is scheduled to go before City Council for staff and Planning Commission direction and initiation on October 6, 2014. If direction is given at that meeting the Planning Commission will have a worksession and a public hearing on the item at their October 28, 2014 meeting.

ATTACHMENTS:

1. IDA Practical Guide, Topic Residential Lighting
2. Simple Guidelines for Lighting Regulations for Small Communities, Urban Neighborhoods, and Subdivisions, IDA
3. Light Pollution and Human Health, IDA 2009

IDA Practical Guide



Fixture illustrations by Peter Talmage

Topic:

Residential Lighting (Good Neighbor Guide)

MANY OF US HAVE EXPERIENCED THIS SCENARIO: Your neighbors have installed a new light on their property. It is an unshielded fixture that casts a bright light with no control and lots of glare. The light trespass from this fixture produces light pollution and energy waste. Their new fixture is lighting up your yard or shining into your home, maybe even illuminating your bedroom and disrupting your sleep. Your neighbors cite safety as the reason for installing this light. The illumination gives them a newfound “feeling of security.”

What your neighbor may not know is that unshielded fixtures that create glare and splatter light everywhere may make a property less safe by not focusing the light where it is needed. Likewise, your neighbor also may not be aware of how you are affected by the light trespass coming off the property.

How do you talk to your neighbor about this situation? The International Dark-Sky Association suggests the following steps to educate your neighbor, and by extension your community, about the value of dark sky friendly lighting.



George Fleeter
The glare from an unshielded light creates deep shadows.



George Fleeter
The glare from the light hid a possible attacker.

Don't hesitate to ask your neighbors for their advice or opinion in solving the problem. Goodwill goes a long way.



IDA
Fixture shields can be made from household objects. This shield is made from a rain gutter.



IDA
Fully shielded lighting casts light on your porch, not your neighbor's yard.

Practical Actions:

1. **Make friends, not enemies.** Your neighbors probably don't realize the light is bothersome.
 - Always approach people in a friendly, non-threatening way.
 - Don't argue. Be tactful and understanding about their right to light their property.
 - Don't dismiss their need to feel safe.
 - Suggest alternatives to their current fixture. Ask them to move the light, shield it or add a motion sensor.
2. **Be informative.** Talking to your neighbor is an exciting chance to be an advocate for good lighting and share knowledge on an important issue.
 - There are many reasons to use dark sky friendly lighting. IDA sound bites can help to convey the benefits:
 - » Dark sky friendly lighting does not mean dark ground.
 - » Safety is important, but brighter does not mean safer.
 - » A starry sky is a natural resource.
 - The topics of safety, energy savings, cost, wildlife are addressed briefly in this document. Additional articles and brochures from the IDA Web site are downloadable and free for use.
 - » Print off free materials from the IDA Education tab and present this information to your neighbor.
3. **Do your homework and be prepared to address the real issues.**
 - It is useful to know the local costs of electricity (cents per KWH), and the local lighting control ordinances. This information is available on most city Web sites, from your regional utility company, and on your utility bill.
 - You may also want to compile a list of local businesses with good quality lighting as an example of effective security measures that are dark sky friendly.
 - A list of shielded light fixtures to provide as alternatives to your neighbor's current light is also recommended. A comprehensive list of dark sky friendly fixtures and devices is available on the IDA Web site in the Fixture Seal of Approval section.
 - If there are any further questions, call us +1 520 293 3198, or e-mail us at ida@darksky.org. IDA will answer!
4. **Stay positive.** Don't let bad lighting create a feud in your residential area.
 - Remember that home is a place where everyone wants to feel relaxed and safe.
 - Accept your neighbors' need to feel secure and politely ask them to accept your need to enjoy the nighttime environment in your own yard.
 - Explain that light trespass is a form of light pollution, but never threaten to sue. The idea of a lawsuit can create bad feelings among the whole neighborhood.
 - Remember that everyone wants the same thing: a chance to relax in their own environment. Work together to create an atmosphere that benefits the community.

What you and your neighbors should know about dark sky friendly lighting

Safety

Studies have indicated that there is no conclusive correlation between night lighting and crime*. Most property crime is still committed during the day, or inside lit buildings. Outside illumination can draw attention to the building or facility and help a criminal see what they are doing. Lights triggered by motion sensors are much more effective in indicating the presence of an intruder.

IDA believes that outdoor lighting should provide real security, not just the feeling of safety. Effective security lighting starts with determining and illuminating target areas such as entry points. Using shielded fixtures is beneficial in two ways. First, glare is decreased or eliminated. Uncomfortable or temporarily blinding, a glaring light can distract the eye and cast harsh shadows that create easy concealment opportunities for a trespasser. Second, shielded fixtures help you control both the placement and the amount of light. Entrances, windows, and gates can be the focal points of a lighting scheme that does not over illuminate, but allows adequate and uniform visibility that dissipates shadows.

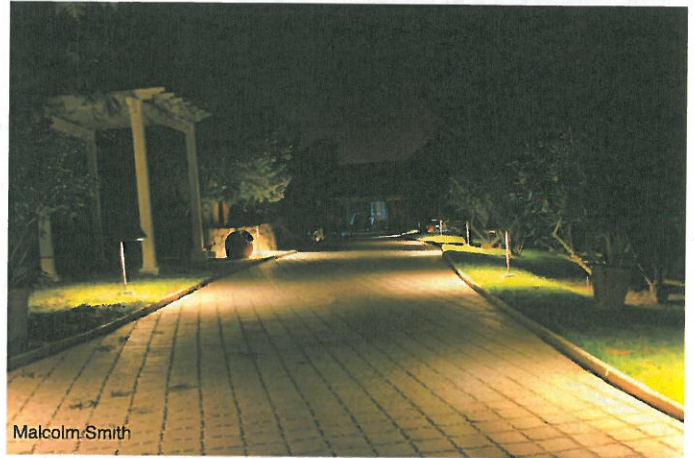
"Crime is not reduced by sending light upward into the sky or by sending glare into your eyes."

—Maggie Tracey,
IDA Nevada Section Leader

People can see more in soft lighting than they can in spotlights because they can see beyond the point of illumination. Our eyes can take up to 20 minutes to adjust to the dark—longer for aging eyes. Fully shielded lighting provides enough illumination to see your surroundings while reducing excess light harmful to your night vision.

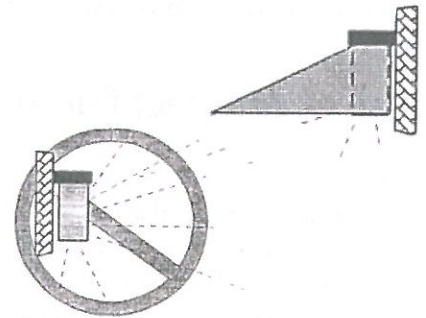
Safety lighting for your home includes being able to see where you are walking. However, you do not need a floodlight or a single harsh lamp to create enough light. Shielded foot lamps along paths provide an alternative to harsh illumination. A smart lighting plan directs the light where you need it, so you don't have to choose between security and the preservation of the night sky.

Lights do not need to be bright to be effective. Effective lighting produces uniform coverage of the area, while glaring points of light can attract criminals by creating shadows in which to hide.



Malcolm Smith

This fully shielded lighting with motion sensors safely lights the walkway with a pleasant ambience.



GlareBuster

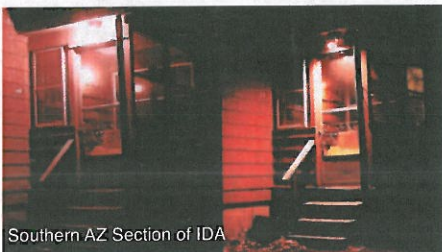
Shielding reduces glare and points the light where it will do the most good.

* Sherman, Lawrence W., et al. "Preventing Crime: What Works, What Doesn't, What's Promising" A Report to the United States Congress Chapter 7. 1997—<http://www.ncjrs.gov/works/chapter7.htm>

Energy and cost savings



A floodlight run amok!



Southern AZ Section of IDA

By shielding the light (right side), the bulb was reduced from 60 watts to 40 watts, a 33% savings.

Dark sky friendly lighting fixtures can be less expensive to operate than traditional outdoor lights. Shielding the fixture so no light escapes above a 90 degree angle concentrates the light exactly where it is needed. In their Consumers Guide to Home Energy Savings, the American Council for an Energy-Efficient Economy (ACEEE)[†] endorses IDA approved outdoor fixtures that can “save energy as well as light pollution that can keep your property safe without disturbing dark hours.”

The downward concentration of light created by fully shielded fixtures typically requires a lesser wattage lamp than traditional lighting because every bit of illumination is directed where it can make a difference. A lesser wattage lamp can now be used effectively because you aren't lighting the sky or your porch roof as well as your steps. Cost savings on your utility bill will pay for the fixture within the year. Switching from a 75-watt incandescent bulb (cost: \$0.75) to a 20-watt compact fluorescent (CFL) bulb (cost: \$4.00) can save money the first year if it is used only two hours every day. Switching to a CFL that is on for up to 12 hours a day can save over \$200.00 over five years[‡]. Why pay for light that is not being used? Approximately 30% of the energy produced by every unshielded bulb is used to illuminate the sky. This wasted energy costs \$2.2 billion annually in the United States alone.

Additional energy savers include putting timers, dimmers, and motion sensors on outdoor lighting. These features allow you to use the light when you need it without constant use “just in case” you need it.

Use of compact fluorescent lighting in homes

- CFL bulbs contain mercury, but did you know that they contain only 4 milligrams? Compare that amount to the 500 milligrams in a traditional thermometer[†].
- The largest source of mercury in the air comes from coal burned to produce electricity. Because CFLs use less electricity than traditional bulbs, their use contributes to a reduction in net mercury emissions.
- Recycling your CFLs is easy. Many cities accept these in their recycling program, otherwise you can find a mail-in recycling program through the EPA at: <http://www.epa.gov/epawaste/hazard/wastetypes/universal/lamps/index.htm>
- Many CFLs do not work well in cold weather, taking time to “warm up.” Make sure to purchase a CFL with a cold-weather ballast if you are in an area that is consistently cold.
- Use a CFL with a built in reflector for outdoor fixtures. CFLs distribute their light differently than incandescents, so using a bulb with a built in reflector allows you to maximize lamp output.
- Try to purchase lamps with a color temperature of 2700 to 3000K[§]. The ENERGY STAR program is proposing that all new qualified lamps include this number on the packaging. If the correlated color temperature (CCT) is not listed, look for one advertised as being Warm White or Soft White. This range of CCT is also the most nighttime friendly for wildlife and stars.

A bright idea for dimmer lights

The Lighting Research Center is currently experimenting with the cost savings of dimmer switches and daylight sensors on LED streetlights. Automatic dimmers are becoming increasingly popular in residences too, because they are affordable, reliable, and relatively easy to program. Motion sensors offer another way to ensure lights go on when they are needed and turn off when they are not.

[†] Values according to the American Council for an Energy-Efficient Economy (ACEEE): <http://www.aceee.org/consumerguide/lighting.htm>

[‡] http://www.energystar.gov/ial/partners/promotions/change_light/downloads/Fact_Sheet_Mercury.pdf

[§] http://www.energystar.gov/index.cfm?c=cfls.pr_cfls_color

Fixture Seal of Approval

IDA's certification program, called the Fixture Seal of Approval, was created in 2005 to promote environmentally responsible outdoor lighting. The Fixture Seal of Approval provides objective, third-party certification for luminaires that minimize glare, reduce light trespass, and don't pollute the night sky. IDA evaluates the photometric data of any luminaire submitted by its manufacturer. Fixtures that do not emit any light above a 90 degree angle earn the FSA certification.

Previously open exclusively to industrial lighting fixtures, certification has recently been extended to residential lighting fixtures for outdoor use. The criteria of not emitting light above a 90 degree angle remains stringent, ensuring dark sky compliance. The FSA page on the IDA Web site (under the Policy/Programs tab) provides a list of approved fixtures and manufacturers, as well as vendors who distribute dark sky friendly fixtures.



Wildlife

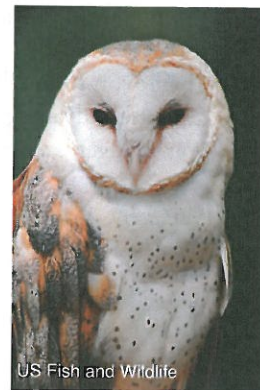
From bird feeders to firefly chases, many people like to experience wildlife in their backyard. But bright light throughout the night can have calamitous effects on animals, insects, and plants. As humans expand into more rural areas, our light pollution produces a continual state of "twilight" in the habitats around us. This twilight affects the mating habits, feeding patterns, and navigational skills of mammals, birds, amphibians, reptiles, and insects. Even certain trees are induced to shed their leaves out of cycle, disrupting the basis of the food chain. Scientists and researchers are only now beginning to understand the long term impacts of artificial light at night on ecosystems. Smart lighting choices can help restore the environmental balance in your neighborhood.



Insects are attracted to the white light of floodlights.

Upon discovering the magnitude of fatal bird collisions, some cities are initiating mitigation procedures. The Lights Out Toronto campaign, established in 2006 in Toronto, Canada calls for residents to turn out any unnecessary lights for the protection of migratory birds. In addition, the city has issued bird friendly development guidelines for all new buildings, which include the control of unnecessary artificial light. In September 2008, Boston, MA, USA began a two-month initiative to conserve electricity by shutting off lights at 34 city skyscrapers. A stated purpose of this project was the protection of migrating birds. Chicago, IL and New York, NY USA also participate in a "Lights Out" during migration season.

As awareness of the danger of artificial light to sea turtles grows, an increasing number of communities are restricting coastal illumination. Countries all over the world have passed ordinances that control the amount and type of light used in coastal environments. As the list grows, hatchling sea turtles are starting to be able to find the sea without the help of human volunteers to guide them. Learn more about local and regional action by visiting www.seaturtle.org.



US Fish and Wildlife

Sample letter to neighbor:

Putting your thoughts in writing is good way to avoid a miscommunication. IDA has prepared a sample letter of issues you may want to convey to a neighbor if a lighting nuisance ever arises.

Dear **(insert name)**,

Allow me to introduce myself, I am your neighbor **(insert name)** and I would love to talk to you about good outdoor lighting. I have noticed that you have installed outdoor lights on your property, and I applaud your desire to help improve our neighborhood.

At this time your lights are a bit too bright and they are shining in **(pick areas as they apply: our bedroom window, the backyard, into our house etc.)**, and interfering with our **(sleep, hobbies, view of the sky, etc)**. I'm sure you weren't aware of this and I wanted to bring it to your attention as soon as possible to avoid any misunderstanding. Let me be clear, I am not asking you to remove the lights, but perhaps they can be re-directed onto the ground where they will do the most good.

In addition, we could work together to shield the lights so that they are even more effective. Shielding a lamp usually requires a lesser wattage bulb, which is a big money saver within just a year's time. Shielding reduces glare which can be blinding and produces fewer harsh shadows where the "bad guys" can hide. Dark sky friendly lighting provides real security, not just an illusion.

There are other ways to save money and still be safe. When lights have motion sensors, they provide an alert if someone is in your yard after dark and they save you money by keeping the lights off when they aren't needed. Timers are another money saver because they can turn off your lights when you will not be using the yard; for instance, when you retire for the night.

Thank you so much for your time and understanding. I would love to talk with you about the advantages to using dark sky friendly lighting and how it benefits your safety, your budget, and the night sky.

Sincerely,
Your Neighbor

A Word document of this letter is available by contacting IDA.

Referenced Material:

American Council for an Energy-Efficient Economy—www.aceee.org

Consumers Guide to Home Energy Savings—<http://www.aceee.org/consumerguide/lighting.htm>

ENERGY STAR®—http://www.energystar.gov/ia/partners/promotions/change_light/downloads/Fact_Sheet_Mercury.pdf

The Facts About Mercury in CFLs, Press Release, October 1, 2007, Released by Focus on Energy and Energy Star—http://www.focusonenergy.com/data/common/dmsFiles/K_MK_MKPR_PR_2048118480.pdf

Sherman, Lawrence W., Denise Gottfredson, Doris MacKenzie, John Eck, Peter Reuter, and Shawn Bushway. "Preventing Crime: What Works, What Doesn't, What's Promising" A Report to the United States Congress. Prepared for the National Institute of Justice. 1997. <http://www.ncjrs.gov/works/>

U.S. Environmental Protection Agency—<http://www.epa.gov/epawaste/hazard/wastetypes/universal/lamps/index.htm>

Related Practical Guides and Web Links:

Crime Prevention Through Environmental Design—www.cpted.net

FLAP—Fatal Light Awareness Program—www.flap.org

ENERGY STAR®—http://www.energystar.gov/index.cfm?c=cfls.pr_cfls_color

"PG1: What is Light Pollution"—www.darksky.org

"PG2: Effects of Artificial Light at Night on Wildlife"—www.darksky.org

For information on IDA membership and donations, visit our Web site at www.darksky.org.



International Dark-Sky Association

The Nightscape Authority

Simple Guidelines for Lighting Regulations for Small Communities, Urban Neighborhoods, and Subdivisions

The purpose of the regulation is to:

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night;
- Curtail and reverse any degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the damaging effects of night lighting.

All outdoor lighting fixtures (luminaires) shall be installed in conformance with this Regulation and with the provisions of the Building Code, the Electrical Code, and the Sign Code, as applicable and under permit and inspection, if such is required.

Comment: Practical Considerations:

1. The idea that more light always results in better safety and security is a myth. One needs only the right amount of light, in the right place, at the right time. More light often means wasted light and energy.
2. Use the lowest wattage of lamp that is feasible. The maximum wattage for most commercial applications should be 250 watts of high intensity discharge lighting should be considered the maximum, but less is usually sufficient.
3. Whenever possible, turn off the lights or use motion sensor controlled lighting.
4. Incorporate curfews (i.e. turn lights off automatically after a certain hour when businesses close or traffic is minimal). This is an easy and fast way to initiate dark sky practices.

Maximum Lamp Wattage and Required Luminaire or Lamp Shielding:

All lighting installations shall be designed and installed to be fully shielded (full cutoff), except as in exceptions below, and shall have a maximum lamp wattage of 250 watts HID (or lumen equivalent) for commercial lighting, 100 watts incandescent, and 26 watts compact fluorescent for residential lighting (or approximately 1,600 lumens). In residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

Lighting that is exempt from these regulations:

1. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
2. Exit signs and other illumination required by building codes.
3. Lighting for stairs and ramps, as required by the building code.
4. Signs are regulated by the sign code, but all sign lighting is recommended to be fully shielded.
5. Holiday and temporary lighting (less than thirty days use in any one year).



International Dark-Sky Association

The Nightscape Authority

6. Football, baseball, and softball field lighting; only with permit from the authority recognizing that steps have been taken to minimize glare and light trespass, and utilize sensible curfews.
7. Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.

Additional requirements:

- Lighting attached to single-family home structures should not exceed the height of the eave.
- Residential pole height restrictions can be considered to control light trespass on adjacent properties.

Notes:

1. The general belief that more light means better safety and security is just a myth. All that is needed is the right amount, in the right place, at the right time. More light just means wasted light and energy.
2. Use the lowest wattage of lamp as possible. For cost saving purposes, consider compact fluorescent lamps rather than incandescent, as they use much less energy and have a much longer lifetime.
3. Whenever possible, turn off the lights.

Definitions:

- **Glare:** Intense and blinding light. Causes visual discomfort or disability.
- **Landscape lighting:** Luminaries mounted in or at grade (but not more than 3 feet above grade) and used solely for landscape rather than any area lighting.
- **Obtrusive light:** Spill light that causes glare, annoyance, discomfort, or loss of visual ability. Light Pollution.
- **Luminaire (light fixture):** A complete lighting unit consisting of one or more electric lamps, the lamp holder, any reflector or lens, ballast (if any), and any other components and accessories.
- **Fully shielded (full cutoff) luminaire:** A luminaire emitting no light above the horizontal plane.
- **Spill light:** Light from a lighting installation that falls outside of the boundaries of the property on which it is located. Usually results in obtrusive light.

Additional Resources for Establishing Outdoor Lighting Guidelines

1. [Model Lighting Ordinance \(MLO\)](#)
2. Recommended [Outdoor Lighting Zones](#)
3. [IDA Lighting Code Handbook](#)
4. [Directory of Ordinances and Other Regulations](#)
5. [Glossary of Basic lighting Terms and Definitions](#)

Vision and blue light

Daylight is composed of the entire spectrum of color. Different types of visible light, seen as colors, have different wavelengths varying from violet to red light. Blue light has the shortest wavelength, and is therefore more easily "scattered" in the atmosphere. Our sky and oceans appear blue because blue light is most easily refracted. Blue light, especially at night, can cause more eyestrain and fatigue than other types of light and may cause halos around objects, because the short wavelength makes it harder for the eye to focus. Just as blue light scatters in the atmosphere, it scatters in our eyes as well, impairing our night vision.

The aging eye is especially vulnerable to eyestrain and loss of night vision. With age, we undergo a natural process that reduces our visual abilities. Issues of contrast, glare, the uniformity of illumination, and the type of light used are all factors that help determine how well we see.

Smart lighting decisions help preserve vision and promote the overall health of the eye.

References:

Chepesiuk, Ron. "Missing the Dark: Health Effects of Light Pollution," *Environmental Health Perspectives* Volume 117, Number 1, January 2009

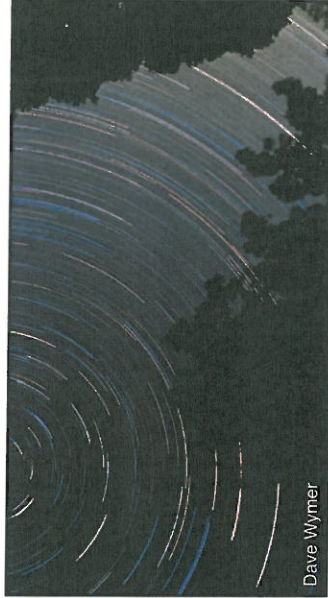
Straif, Kurt, Robert Baan, Yann Grosse, Béatrice Secretan, Fatiha El Ghissassi, Véronique Bouvard, Andrea Altieri, Lamia Benbrahim-Tallaa, Vincent Coglianò. "Carcinogenicity of shift-work, painting, and fire-fighting" *Lancet Oncology*. Volume 8, Issue 12, pp. 1065–1066, 2007



Look for the IDA Fixture Seal of Approval to make sure you are buying a true dark sky friendly fixture.

International Dark-Sky Association images may only be used for non-commercial, educational purposes and must compliment IDA's mission to preserve and protect our night skies through quality outdoor lighting.

- Images attributed to IDA must be credited as such.
- Images credited to anyone other than IDA may not be used without the consent of the photographer.



Dave Wymer

The International Dark-Sky Association (IDA), is an educational organization that seeks to preserve the natural night skies worldwide. Light pollution is an increasing problem threatening astronomical facilities, ecologically sensitive habitats, all wildlife, our energy use as well as our human heritage. Light pollution is excessive and inappropriate artificial light. The four components of light pollution are often combined and overlapping:

- **Urban sky glow**—the brightening of the night sky over inhabited areas.
- **Light trespass**—light falling where it is not intended, wanted, or needed.
- **Glare**—excessive brightness which causes visual discomfort. High levels of glare can decrease visibility.
- **Clutter**—bright, confusing, and excessive groupings of light sources, commonly found in over-lit urban areas. The proliferation of clutter contributes to urban sky glow, trespass, and glare.

Lights left on in unoccupied buildings, outdoor lights pointing up to the sky or unshielded lights create sky glow. Visit the IDA Web site at www.darksky.org to learn more about the causes of light pollution and what you can do to keep the skies dark.

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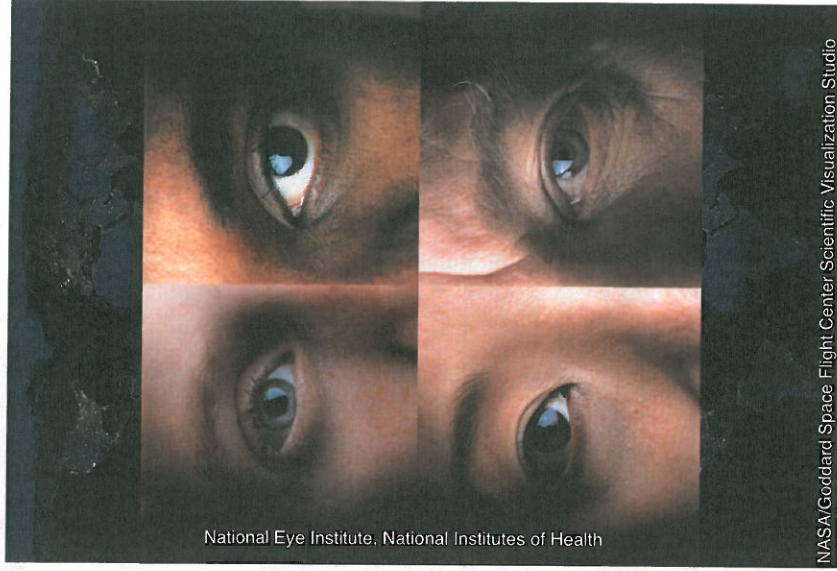
Rev 2009/June

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International Dark-Sky Association

To preserve and protect the nighttime environment and our heritage of dark skies...

Light Pollution and Human Health



National Eye Institute, National Institutes of Health

NASA/Goddard Space Flight Center Scientific Visualization Studio

Most people don't know how excessive light at night negatively impacts many areas of human health. This brochure offers an introduction to this treatable problem.

Glare on the eyes

Bright points of light from poorly designed roadway lighting produce a condition known as “disability glare.” Disability glare is so intense it causes us to avert our eyes from the veil of light being scattered across our retinas.



Glaring lights can distress the eyes. The brightest, most visible objects in the area are the lighting fixtures, not the roadways, walkways or parking areas Atlanta, Georgia.

This veil reduces:

- Contrast sensitivity
- Color perception
- Our ability to see contrasts



This condition can temporarily cast everything except the light source into virtual invisibility. Older drivers are especially vulnerable to disability glare, because as we age the eye loses its ability to quickly adjust to changing levels of illumination. Fully shielded roadway lighting reduces this hazard and creates a safe and more pleasant driving experience by distributing the light evenly.

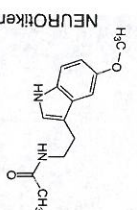
Circadian rhythms



The 24-hour day/night cycle, known as the circadian clock, affects physiologic processes in almost all organisms. These processes include brain wave patterns, hormone production (melatonin), cell regulation and other biologic activities. Disruption of these rhythms can result in insomnia, depression, cancer and cardiovascular disease*.

* Chapesnik, Ron. “Missing the Dark: Health Effects of Light Pollution.” *Environmental Health Perspectives*. Vol. 117, Num. 1, January 2009

What is melatonin?



Melatonin is a naturally occurring hormone which is released by darkness and inhibited by light. It serves many functions in the human body, primarily regulating the daily cycles of our systemic activities. Reduction or elimination of light at night can help maintain a robust melatonin rhythm. While any kind of light can interfere with melatonin production, the short wavelength, blue portion of the spectrum is the most potent for melatonin suppression in humans.

Sleep disorders



Exposure to the artificially extended daytime of our lighted modern world can lead to desynchronization of our internal rhythms. According to the National Institution of Health (NIH), a shift in our clocks impairs our ability to sleep and wake at the appropriate times and leads to a decrease in cognitive and motor skills.

A good night's sleep helps reduce:

- Weight gain
- Stress
- Depression
- Onset of diabetes

The NIH believes humans function best when they sleep at night and act in the daytime. If outdoor light is shining into your window and disrupting your sleep, we recommend you block out the light or request that the light be shielded for everyone's benefit.

Emerging research

The scientific community is studying the range and complexity of circadian disruption and the role of melatonin suppression from too much artificial light at night.

Scientists are finding an undisputed connection between sufficient sleep and good health. Moreover, they are recognizing the importance of exposure to daylight during the day and darkness at night to maintain a routine circadian rhythm. The World Health Organization now lists “shiftwork that involves circadian disruption” as a probable carcinogen[†].

On 15 June 2009, the American Medical Association adopted resolutions that support the reduction of light pollution and glare and advocate for use of energy efficient, fully shielded outdoor lighting. Ongoing research continues to probe the connection between natural darkness and human health.

Solutions

IDA believes that there are solutions to these issues:

- Shield and lower the wattage of all outdoor lighting: homeowners, businesses, and cities.
- Use only the light you need to get the job done.
- Use timers, dimmers, and sensors to darken unoccupied areas. Shut off the lights when you can.
- Keep your bedroom as dark as possible by using blackout curtains when sleeping.



A shielded light uses less wattage and saves everyone money, reduces our energy use and shrinks our carbon footprint. Work with your neighbors and local government to keep the light on the ground and the skies natural. This is a win-win situation for everyone. You save money while preserving a valuable natural resource.

[†] Straif, K, et al. *Lancet Oncol*. Vol. 8, Is. 12 pp. 1065–1066, 2007.