

CITY OF FLORENCE PLANNING COMMISSION
March 14, 2017 MEETING MINUTES ****

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Chairperson John Murphey called the meeting to order at 7:00 p.m. Roll call: Chairperson John Murphey, Vice Chairperson Robert Bare, Commissioner Clarence Lysdale, Commissioner Michael Titmus, Commissioner Sandi Young and Commissioner Brian Jagoe were present. Commissioner Ron Miller was absent and excused. Also present: Planning Director Wendy FarleyCampbell and Associate Planner Glen Southerland.

APPROVAL OF AGENDA

No approval was made.

APPROVAL OF MINUTES

Vice Chairperson Bare motioned to approve the minutes of January 24, 2017 and February 28, 2017. Commissioner Titmus seconded. By voice, all ayes. The motion passed.

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 **three minutes per person**, with a maximum time of 15 minutes for all items.*

There were no public comments.

PUBLIC HEARING

Chairperson Murphey announced 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 qualifications 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.

RESOLUTION PC 16 31 CUP 10 – Premium Choice Medical to Recreational Marijuana: An application from Dennis Smith requesting approval of a Conditional Use Permit to convert the current Medical Marijuana Dispensary to a Recreational Retail Facility. The building is located at 1770 Highway 126, in the Dunes Village Center, on the south side of Highway 126, Assessor's Map no. 18-12-26-32, Tax Lot 06601 in the Mainstreet District Area A, regulated by FCC Title 10, Chapter 27.

Chairperson Murphey opened the public hearing at 7:04 p.m. He asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. There were none. There were no challenges.

AP Southerland presented the staff report (attached) and recommended approval with the outlined conditions of approval. He presented the alternatives and asked for questions.

Applicant's Representative, Erika Bessey – 491 Laurel Street, Florence, OR 97439

Applicant, Dennis Smith – 84479 Green Gate Road, Florence, OR 97439

Ms. Bessey stated that she did not have a presentation however, she was prepared to answer questions. Commissioner Lysdale asked for clarification regarding the maintenance for the carbon filtration system and Mr. Smith explained the filter replacement schedule.

Chairperson Murphey asked if there were any proponents, opponents, or neutral parties. There were none. AP Southerland stated that Staff recommended approval with the change to Condition #5.5 regarding the removal of the sentence that speaks of previous approval address.

Chairperson Murphey closed the public hearing at 7:19 p.m.

There was Commission discussion regarding the addition of a condition to address any unsightliness of state required notifications. Commissioners and applicant agreed to have the condition added.

Commissioner Jagoe motioned to approve Resolution PC 16 31 CUP 10 – Premium Choice Recreational Retail Marijuana Facility with the changes to Condition 5.5 as stated by Staff. Vice Chair Bare seconded.

By roll call vote: Commissioner Jagoe, “yes”; Vice Chairperson Bare, “yes”; Commissioner Titmus, “yes”; Commissioner Young, “yes”; Chairperson Murphey, “yes”; Commissioner Lysdale, “yes”. Commissioner Ron Miller was absent and excused. The motion passed 6-0.

RESOLUTION PC 17 02 CUP 02 – Port of Siuslaw Rip Rap: An application from Steven Leskin, General Manager, on behalf of the Port of Siuslaw seeking approval of a Conditional Use Permit to perform C-Row Erosion Repairs (Revetment/Bulkhead Installation – Rip Rap) at the Port of Siuslaw Campground. Property is located on the Siuslaw River, Map #18-12-35-22 Tax Lot 03500 in the Waterfront/Marine District regulated by FCC Title 10 Chapter 24 as well as Mixed Development Overlay, Development Estuary, Natural Estuary, and Conservation Estuary Districts regulated by FCC Title 10 Chapter 19.

Chairperson Murphey opened the public hearing at 7:24 p.m. He asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. There were none. There were no challenges of Commissioners’ impartiality to make decisions.

PD FarleyCampbell did not present a staff report and stated that the applicant requested a continuance of their hearing to March 28, 2017.

Chairperson Murphey asked if there were any proponents, opponents, or neutral parties. There were none.

Chairperson Murphey closed the public hearing at 7:24 p.m.

Vice Chairperson Bare motioned to continue the public hearing for Resolution PC 17 02 CUP 02 – Port of Siuslaw Rip Rap to a date certain of March 28, 2017. Commissioner Young seconded. By voice, all ayes. The motion passed 6-0.

PLANNING COMMISSION DISCUSSION ITEMS

PD FarleyCampbell reported that DOGAMI stated that the updated FEMA maps would be released summer of 2017 followed by an open house. She continued with details regarding code updates, housing needs analysis consultant selection, and the establishment of the citizen advisory committee that would go before the City Council at the March 20, 2017 meeting. There was brief discussion regarding the involvement of Planning Commissioners and Chairperson Murphey stated that he and Commissioner Jagoe would volunteer to be a part of the committee. AP Southerland invited available Commissioners to join a webinar session regarding legal decision making presented by the American Planning Association.

CALENDAR

PD FarleyCampbell and AP Southerland presented details of upcoming Planning Commission meetings.

Chairperson Murphey adjourned the meeting at 7:33 p.m.

Chairperson, John Murphey
Florence Planning Commission

Date

Premium Choice Recreational Marijuana Retail Facility

PC 16 31 CUP 10



Introduction

- Application for Conditional Use Permit
- 1,407 sq. ft. unit (6.9% of structure)
- Application received on Dec. 9, 2016.
- Application deemed complete on January 5, 2017.

• Premium Choice Rec. MJ Retail Facility

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Criteria

Florence City Code, Title 10:

- Ch. 1: Zoning Admin., Section 1-6-3
- Ch. 3: Off-Street Parking and Loading, Sections 2 through 5 & 8 through 10
- Ch. 4: Conditional Uses, Sections 3 through 11, & 12-I
- Ch. 6: Design Review, Sections 5, 6 & 9

• Premium Choice Rec. MJ Retail Facility

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Criteria – Cont.

Florence City Code, Title 10:

- Ch. 27: Mainstreet District, Sections 3 through 5
- Ch. 34: Landscaping, Section 3
- Ch. 35: Access and Circulation, Sections 2-12, 2-14 & 3
- Ch. 37: Lighting, Sections 2 through 4

• Premium Choice Rec. MJ Retail Facility

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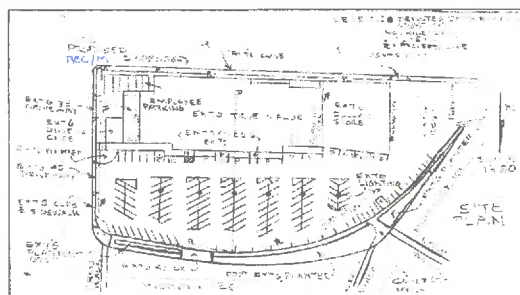
Aerial of Site



• Premium Choice Rec. MJ Retail Facility

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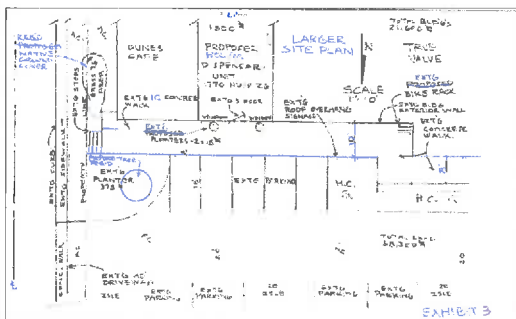
Site Plan



• Premium Choice Rec. MJ Retail Facility

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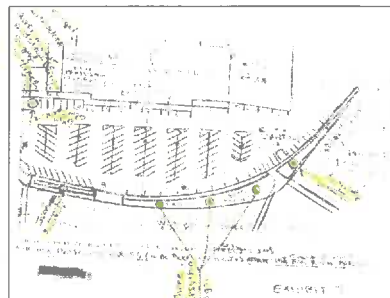
Site Plan



• Premium Choice Rec. NJ Retail Facility

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Landscaping Plan



• Premium Choice Rec. NJ Retail Facility

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Testimony

Public Testimony:

- None Received

Referral Comments:

- None Received

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Staff Recommendation

Staff finds that the application meets the applicable criteria of City Code and the Florence Realization 2020 Comprehensive Plan and **recommends approval** (with changes to be outlined) of the application with the following conditions of approval:

• Premium Choice Rec. NJ Retail Facility

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Conditions of Approval

4. Parking

- 4.1. Storage/Loading prohibited during business hours.
- 4.2. ADA Van-Accessible parking space with signage.

5. CUP/DR Requirements

- 5.1. CUP March 14, 2018.
- 5.2. Non-transferrable. Cessation.

• Premium Choice Rec. NJ Retail Facility

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Conditions of Approval

- 5.3. Cigarette receptacle.
- 5.4. Air filtration documentation – provided.
- 5.5. Submit OLCC license. Change to address.
- 5.6. Current and active registration at all times.
- 5.7. Changes to building colors to be approved.
- 5.8. Current and active registration at all times.
- 5.9. Design Review March 14, 2018

• Premium Choice Rec. NJ Retail Facility

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Conditions of Approval

6. Zoning Requirements

- 6.1. Trash inside building or within enclosure.
- 6.2. Outdoor storage, etc. not permitted. Unreasonable odor, dust, smoke, noise, etc. not permitted. Odors may not emanate from the facility.

7. Landscaping Requirements

- 7.1. Three additional shrubs meeting min. planting sizes.
- 7.2. Plantings meeting FCC 10-34-3-4.

Premium Choice Rec. MJ Retail Facility

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Conditions of Approval

- 7.3. Irrigation of new plantings or temporary irrigation for establishment.
- 7.4. Maintenance of landscaping/replacement.
- 8. Non-remonstrance for 6.9% of Quince sidewalk/curb cut improvements

Premium Choice Rec. MJ Retail Facility

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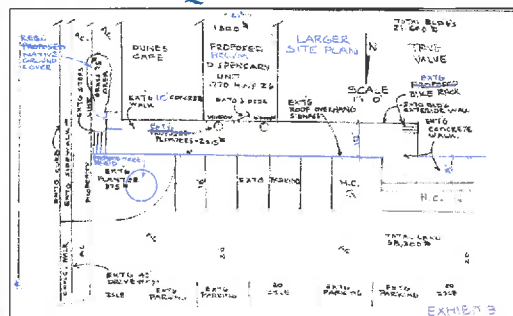
Alternatives

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

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Questions?



Premium Choice Rec. MJ Retail Facility

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CITY COPY

February 27, 2017

TO: City of Florence, Community Development Department

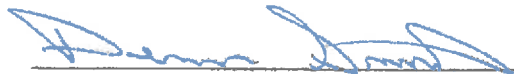
FROM: Dennis Smith, Owner of Premium Choice Marijuana, 1770 Hwy 126

RE: Public Hearing on Resolution PC 15 22 CUP 10



Members of the Florence, Oregon Planning Commission

This Document is to ensure the Members of the Commission that I, Dennis Smith, have spoken with the owners of the businesses adjacent to Premium Choice Marijuana (i.e. True Value Hardware and the Dunes Cafe) regarding the recent installation of a new, charcoal-based, double air filtration system at my establishment. Each unit of the twin system moves 750cfm, for a total of 1500 cubic feet of air being filtered per minute. This provides a full air exchange every eight minutes for my rental space at 1770 Hwy. 126.

The signatures below represent an agreement that the new system has alleviated any and all problems related to aromas created by products bought, sold and/or handled in the necessary, daily operation of this business.

 2-1-2017

Dennis Smith, Owner, Premium Choice Marijuana

 Kathleen -  Kristine Owner

Owner, True Value Hardware

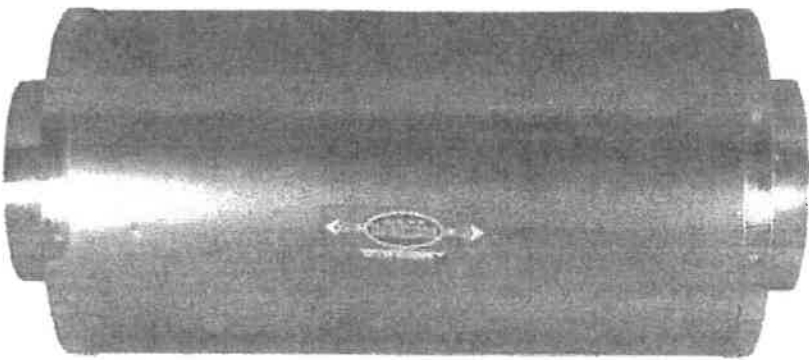
owner

Owner, Dunes Cafe



Phresh® Inline Filters

Overview Specs



Part #701180

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FAMILY

701175

701180

701185

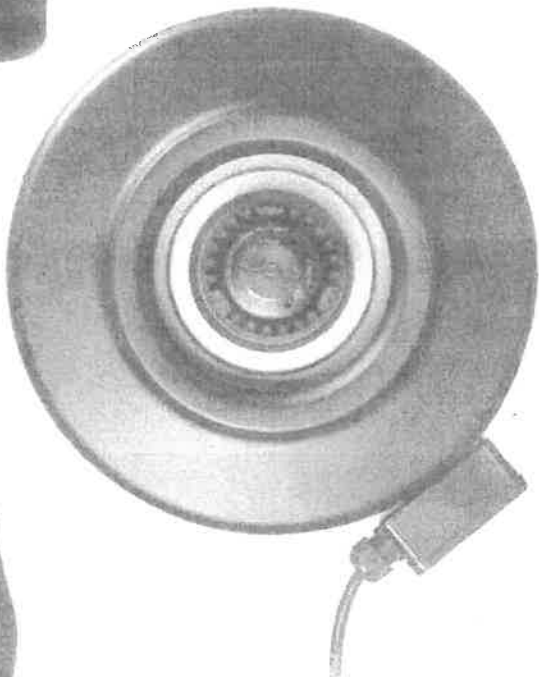
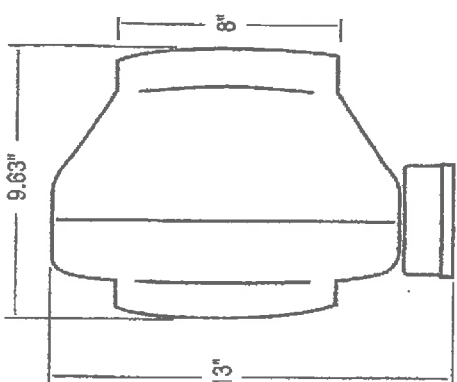
701190

Carbon filters are no longer just for the ends of your air filtration system. Now they can be installed in-line like the lights and fans. It is the same Phresh® Carbon Filter users' trust, built into an air conserving body. Point to point air movement and filtration. Phresh Inline Filters are state of the art carbon filters that practically scour the air to clean it of dust, foreign particulates, organic compounds and odors. Phresh Inline Filters are twice as light and last twice as long. Phresh® In-Line Filters are perfect for the following applications: Grow tents, cupboards and cabinets. Anywhere without a roof/ceiling cavity to displace extracted air into. Air-cooled lighting. Lower-level floors of double/triple story houses. Window to window ventilation applications. Hot or cold filtered air transfer from one air conditioned room to another.

SPECIFICATIONS

Hurricane™ Centrifugal Inline Fan - 8 Inch

Item #736580



ETL LISTED	Yes
Tested to UL Standard No. 507	
Tested to CSA Standard C22.2 No. 113	
VOLTAGE	120
AMPS	1.7
WATTAGE	198
CFM	745
RPM	2530
POWER CORD	Integrated 8 ft. - 120 Volt
FAN DIAMETER	8 inch
WEIGHT	12 lbs
WARRANTY	5 year

HURRICANE™

Hurricane, Centrifugal Inline Fan - 8 Inch Spec Sheet - Last Updated 04/2014

This document is not intended to be used for installation purposes. We cannot cover all specific applications or anticipate all requirements. All specifications are subject to change without notice.

Phresh® Inline Filters

Overview Specs

701175 - Phresh Inline Filter 6 in 500 CFM

EACH

CASE PALLET

Upc: 847127003527

Quantity:

Volume (cf): 2.4593

Dim Weight (in³/lb): 21.9058

Weight (lb): 23.10

Length (in): 12.4

Width (in): 11.9

Height (in): 28.8

701180 - Phresh Inline Filter 8 in 750 CFM

EACH

CASE PALLET

Upc: 847127003534

Quantity:

Volume (cf): 3.8352

Dim Weight (in³/lb): 34.1612

Weight (lb): 33.05

Length (in): 14.2

Width (in): 14.1

Height (in): 33.1

INSTALLED 8' SYS.