

**CITY OF FLORENCE PLANNING COMMISSION**  
**October 27, 2015 \*\* MEETING MINUTES \*\***

---

**CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE**

Chairperson Curt Muilenburg called the meeting to order at 7:00 p.m. Roll call: Chairperson Curt Muilenburg, Vice Chair John Murphey, Commissioners Clarence Lysdale, Chic Hammon, and Robert Bare were present. Commissioner Ron Miller was absent and excused. Also present: Planning Director Wendy FarleyCampbell, Assistant Planner Glen Southerland and Admin Assistant Vevie McPherrren.

---

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Commissioner Lysdale noted there were necessary corrections to the Minutes of September 22, 2015 before approval could be made. Commissioners agreed to bring the minutes before the Commission at a later Hearing with noted corrections.

**PUBLIC COMMENTS**

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

There were no public comments.

**PUBLIC HEARING:**

*Chairperson Muilenburg said that there was one public hearing before the Planning Commission that evening. The hearings 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, prejudice, 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 15 16 CUP 09 – Porter Boatlift:** A Conditional Use Permit application from Greg Swenson of PBS Engineering & Environmental, representing Larry Porter, to construct a new private boatlift, gangway, and two mooring buoys in the Siuslaw River near applicant's residence. The proposed project will be located within the Restricted Residential and Conservation Estuary zoning districts at 100 Rhododendron Drive, Map 18-12-27-33, Tax Lots 304, 400, 500 and the Bay (Front) Street Right-of-Way. Proposed work (9 piles) will take place during the in-water work period from November 1st to February 15th during daylight hours. As mitigation for the project, 37 derelict creosote piles would be removed from the waterway (continuance of Hearing from August 25, 2015).

Vice Chairperson Murphey opened the hearing at 7:10 p.m.

Chairperson Muilenburg asked if any Planning Commissioner wished to declare any conflicts of interest, ex parte contacts, site visits, or bias and Vice Chair, John Murphey stated for the record that he had been contacted by a member of the community who said the applicant intended to give sailing lessons at the proposed location. Chairperson Muilenburg asked if the public had any challenges to any commissioner's impartiality in making this decision and the applicant questioned where Vice Chair Murphey had received his information.

Chairperson Muilenburg asked for the staff report.

### **Staff Report**

PD FarleyCampbell conducted a brief review of procedure regarding a Hearing Continuance.

AP Southerland gave Staff Report with the list of criteria, introduction which included the initial hearing for the CUP, aerial of the site, the site plan, the elevations and site photos. AP Southerland included visual management details with emphasis on Scenic Resource 6 and provided a Zoning Compliance map that verified Commercial operations at the residential facility would not be allowed at the location or through the approval. He provided information surrounding the noted issues at the location, the referrals and opponent testimony. AP Southerland concluded that staff recommended approval with Conditions of Approval: Condition #3 regarding Conditional Use Permit, Condition #4 regarding private use of public right-of-way, Condition #5 regarding replanting of vegetation, Condition #6 regarding vibratory pile driving, Condition #7 regarding accessory use to residential – no commercial use, Condition #8 regarding Agency approvals, Condition #9 regarding no other alternatives, Condition #10 regarding lighting, Condition #11 regarding testimony with visuals – re: Scenic Resource 6, Condition #12 regarding leaks and contaminant spills and Condition #13 regarding archaeological and historical resources with the “stop work” added.

### **Commission Questions**

CP Muilenburg questioned the language regarding Condition #8 and #13 in the packet and AP Southerland explained that there had been changes to the findings after the time of publishing however information delivered to the Dias was completely up to date. CP Muilenburg then asked about the Resource Compatibility Assessment and AP Southerland explained that was part of the original application and referenced Exhibit C. Lysdale commented that he was concerned about the protection of the City on a legal position regarding the issue of erosion, CP Muilenburg asked for clarification regarding retaining the native logs and AP Southerland confirmed that anything man made would be removed however it was a requirement of ODFW that all natural wood debris remain.

### **Applicant Testimony – Larry Dean Porter – P.O. Box 2648 – Florence**

Mr. Porter stated that he had nothing to add and was ready to answer any questions. There were no questions directed to Mr. Porter.

Chairperson Muilenburg asked for any proponents, opponents, or interested neutral parties to speak. There were no proponents to speak.

### **Opponent Testimony - Mark Chandler – 240 Rhododendron Drive - Florence**

Mr. Chandler stated his concern over the dock and asked the Commissioners to keep in mind the future shoreline, the view access and public pathway.

There were no neutral parties to speak.

CP Muilenburg asked the applicant for rebuttal and Mr. Porter pointed out other docks currently on the shoreline and responded that he was not proposing anything different than already existed.

Staff recommended approval with the resolution of the issues that were presented along with proposed changes that needed to be discussed by the Commissioners and condition #14 regarding the natural debris.

CP Muilenburg closed the hearing at 7:54 p.m.

### **Commission Discussion**

CP Muilenburg stated the issue of the significance of the pilings in Condition #8, he asked the Commissioners for any comments and VC Murphey said that he did not see any significance of the pilings. Commissioners agreed unanimously that the pilings were not significant.

CP Muilenburg asked the Commissioners if they had found that the visual management and scenic view point protection had been satisfactorily met, there was discussion and Commissioners agreed unanimously that the visual management submitted on Condition #11 had been met.

CP Muilenburg asked the Commissioners if they found the added “stop work” language in Condition #13 to be satisfactory and the Commissioners agreed unanimously.

CP Muilenburg asked Commissioners if the language regarding the natural wood debris in Condition #14 was satisfactory, there was discussion and the Commissioners agreed unanimously.

There was additional discussion pertaining to the language to be used in the removal of Condition #11 regarding the significance of effect the boat lift and gang way would have on Scenic Resource 6 and the Commissioners agreed unanimously on the statement to remove the Condition.

Commissioner Lysdale requested the consideration of a written statement from the City’s Attorney regarding exposure on erosion issues, there was Commission discussion and it was determined that until a lawsuit was filed, there would be no action at this time.

Mr. Porter accepted the Conditions of approval.

Vice Chair Murphey motioned to approve Resolution PC 15 16 CUP 09 – Porter Boatlift with the Conditions of Approval. Commissioner Bare seconded the motion. By roll call vote: Commissioner Lysdale “yes”; Commissioner Hammon “yes”; Vice Chair Murphey “yes”; Chairperson Muilenburg “yes”, Commissioner Bare “yes”, Commissioner Miller was absent and excused. The motion was approved.

### **DISCUSSION ITEM**

**City Council Goal Task 2, Objective 5, Task 2:** Streamline portions of the land-use process with over the counter permit process.

PD FarleyCampbell presented a packet with a brief work session regarding streamlining the land-use process. See attachment.

### **PLANNING COMMISSION DISCUSSION ITEMS**

There were no discussion items.

## DIRECTOR'S REPORT

VC Murphey inquired about the citations that had been given at the Port parking lot, PD FarleyCampbell explained that it was a public parking lot and VC Murphey expressed his concern with how this recent action may affect the public support that has been a problem in the past.

## CALENDAR

PD FarleyCampbell reminded the Commissioners of the upcoming work sessions:

Wednesday, November 4, 2015 - Work Session with City Council, 10:00 a.m. to Noon at City Hall

Tuesday, November 10, 2015 – Work Session, 7:00 p.m. at City Hall

Monday, December 14, 2015 – City Council-Planning Commission Joint Hearing, 7:00 p.m. Event Center

There was brief discussion regarding the December Planning Commission calendar.

Commissioner Bare moved to adjourn, VC Murphey seconded.

CP Muilenburg adjourned the meeting at 8:56 p.m.

---

CURT MUILENBURG, Chairperson  
**Florence Planning Commission**

---

Date