APPROVED
City of Florence
Community Development
Department
"A" Exhibit
PC 15 20 TA 02 File Number

FINDINGS OF FACT
FLORENCE PLANNING COMMISSION

Exhibit "A"

Public Hearing Date:	August 23, 2016	**Planner:**	Glen Southerland
Date of Report:	August 16, 2016		
Application:	PC 15 20 TA 02 / CC 15 05 TA 02		

I. PROPOSAL DESCRIPTION

Proposal: A City-initiated update to zoning code (Title 10) and subdivision code (Title 11) to establish a ministerial land use process and to implement general housekeeping.

II. NARRATIVE

The City Council, Planning Commission, and Staff began an extensive procedure to implement a ministerial process into the Florence Zoning Code in October 2015. The City Council Goals for 2015 listed "Council Goal 2, Objective 5, Task 2: Streamline Land Use Process" as an important task needed in order to reduce the amount of land use process and expense required for a business or property owner to obtain a land use approval.

A major function of this code update is to add prescriptive architectural review code to Chapter 6: Design Review in order to streamline review of minor changes to a building such as the addition of awnings, change in window trim or siding materials, changes in paint color, et cetera within the Old Town and Mainstreet Zoning Districts.

This code amendment also accomplishes a number of minor housekeeping tasks and proposes to rearrange several sections/chapters of code for clarity.

A summary of proposed changes by Chapter:

1. **FCC 10-1: Zoning Administration:**
   a. **FCC 10-1-1-3:** Addition of "Purpose of This Title" and "Purpose of This Chapter," and renumbering of criteria.
   b. **FCC 10-1-1-4:** Addition of Applicability of Review Procedures, summary of Type I-IV procedures, application requirements, Initiation of Applications, Changes in Law, and renumbering of criteria.
   c. **Table 10-1-1:** Addition of table.
   d. **FCC 10-1-1-5:** Addition of 120-day rule, Consolidation of proceedings, Check for acceptance and completeness, Changes or additions to the application during the review period, City Planning Official's Duties, Amended Decision Process, and Re-Submittal of Application Following Denial.

e. **FCC 10-1-1-6:** Addition of Ministerial process, changes to Type I-IV process, addition of noticing requirements for Type III procedures, and addition of Legislative procedure (previously determined only by ORS).
f. Deletion of Definition and Land Use Category sections.
g. Other grammatical, code reference, and formatting changes which do not affect the intent of code.

2. **FCC 10-2: General Zoning:**
   a. Addition of Definitions and Land Use Category sections to FCC 10-2-13 and 10-2-14.
   b. Other grammatical and formatting changes which do not affect the intent of code.
3. **FCC 10-3: Off-Street Parking and Loading:** Grammatical, code reference, and formatting changes which do not affect the intent of code.
4. **FCC 10-4: Conditional Uses:**
   a. **FCC 10-4-4:** Addition of F. Other information and format as required by FCC 10-1-1-4 (Applications).
   b. **FCC 10-4-12:** Change of wording from "Parochial" to "Private."
   c. Formatting change to buffering methodology included as FCC 10-4-12-I-3.
   d. Grammatical, code reference, and formatting changes which do not affect the intent of code.
5. **FCC 10-5: Zoning Variances:** Code reference change.
6. **FCC 10-6: Design Review:**
   a. Addition of 10-6-6: Architectural Design criteria from "Florence Downtown Architectural Guidelines" Comprehensive Plan document.
   b. Grammatical, code reference, and formatting changes which do not affect the intent of code.
7. **FCC 10-7: Special Development Standards:** Grammatical, code reference, and formatting changes which do not affect the intent of code.
8. **FCC 10-10: Restricted Residential District:** Grammatical, code reference, and formatting changes which do not affect the intent of code.
9. **FCC 10-11: Single-Family Residential District:**
   a. Grammatical, code reference, and formatting changes which do not affect the intent of code.
   b. Addition of 10-11-5-J related to Mobile Home/Manufactured Homes.
   c. Deletion of 10-11-6 and 10-11-7 related to Mobile Home/Manufactured Homes.
10. **FCC 10-12: Mobile Home/Manufactured Home Regulations:**
    a. Grammatical, code reference, and formatting changes which do not affect the intent of code.
    b. Change of wording from "Parochial" to "Private."
    c. Addition of 10-12-2-2: Manufactured Homes Outside of MH Subdivisions or Parks.
11. **FCC 10-13: Multi-Family Residential District:**
    a. Grammatical, code reference, and formatting changes which do not affect the intent of code.
    b. Change of wording from "Parochial" to "Private."
12. **FCC 10-14: Neighborhood Commercial:** Grammatical, code reference, and formatting changes which do not affect the intent of code.

13. **FCC 10-15: Commercial District:**
    a. Grammatical, code reference, and formatting changes which do not affect the intent of code.
    b. Change to "Animal clinics or grooming facilities" to delete "use or."
14. **FCC 10-16: Highway District:** Grammatical, code reference, and formatting changes which do not affect the intent of code.
15. **FCC 10-17: Old Town District:**
    a. Grammatical, code reference, and formatting changes which do not affect the intent of code.
    b. Addition of "criteria contained within FCC 10-6-6: Architectural Design" as a criterion of 10-17A-4-K, 10-17B-4-K, and 10-17C-4-K.
16. **FCC 10-18: Marine District:** Grammatical, code reference, and formatting changes which do not affect the intent of code.
17. **FCC 10-19: Estuary, Shorelands, and Beaches and Dunes:**
    a. Grammatical, code reference, and formatting changes which do not affect the intent of code.
    b. Change to 10-19-4-F to allow non-water-dependent conditional uses within structures that existed on July 7, 2009 for up to ten years. Deletion of abandonment of use.
18. **FCC 10-20: Limited Industrial District:** Grammatical, code reference, and formatting changes which do not affect the intent of code.
19. **FCC 10-25: Professional Office/Institutional Zoning District:**
    a. Grammatical, code reference, and formatting changes which do not affect the intent of code.
    b. Change to "Animal clinics or grooming facilities" to delete "use or."
20. **FCC 10-27: Mainstreet District:**
    a. Change to "Animal clinics or grooming facilities" to delete "use or."
    b. Deletion of "The Design Review Board may allow" related to lot coverage.
    c. Deletion of "as shown on the following page" and height requirement from "Yard Regulations" and "Parking and Loading Spaces."
    d. Addition of Architectural Design criteria to "Design Review."
    e. Grammatical, code reference, and formatting changes which do not affect the intent of code.
21. **FCC 10-28: Pacific View Business Park District:** Grammatical, code reference, and formatting changes which do not affect the intent of code.
22. **FCC 10-29: Coast Village District:** Grammatical, code reference, and formatting changes which do not affect the intent of code.
23. **FCC 10-30: North Commercial District:**
    a. Grammatical, code reference, and formatting changes which do not affect the intent of code.
    b. Change to "Animal clinics or grooming facilities" to delete "use or."
24. **FCC 10-32: Drinking Water Protection Overlay District:** Grammatical, code reference, and formatting changes which do not affect the intent of code.
25. **FCC 10-34: Landscaping:**
    a. Grammatical, code reference, and formatting changes which do not affect the intent of code.

b. Changes to fence and wall regulations to allow front yard fencing up to four feet in height.
c. Change to specific requirements noting that fences greater than seven feet in height require a building permit.

26. **FCC 10-35: Access and Circulation:** Grammatical, code reference, and formatting changes which do not affect the intent of code.
27. **FCC 11-1: Subdivision Administration, General Provisions:** Grammatical, code reference, and formatting changes which do not affect the intent of code.
28. **FCC 11-2: Minor Partitioning Procedure:** Grammatical, code reference, and formatting changes which do not affect the intent of code.
29. **FCC 11-3: Major Partition, Tentative Plan Procedure:** Grammatical, code reference, and formatting changes which do not affect the intent of code.

III. NOTICES

Form 1, Department of Land Conservation and Development notice was emailed on July 19, 2016.

Notice regarding the proposed amendments was published in the August 10 and 17, 2016 editions of the Siuslaw News as well as posted on the City of Florence website.

At the time of this report, the City had received no written public comments on the proposal.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code, Title 10:
Chapter 1: Zoning Administration, Section 1-3-C

Realization 2020 Florence Comprehensive Plan:
Chapter 1: Citizen Involvement, Policies 4, 5, and 6
Chapter 2: Land Use, Policies 2 and 3 & Recommendation 4
Commercial, Policies 4 and 6 & Recommendations 1 and 5
Chapter 9: Economic Development, Policy 1
Chapter 12: Transportation, Policy 2
Chapter 16: Siuslaw River Estuarine Resources, Policies 3, 15, and 18
Chapter 17: Coastal Shorelands: Ocean, Estuary, and Lake Shorelands, Policies 9 and 12

Oregon Revised Statutes:
ORS 197.610(1) through 197.610(6)
ORS 227.186(4)

Oregon Administrative Rules:
(reviewed simultaneously with their respective Comprehensive Plan Policy)
OAR 660-015-0000: Statewide Planning Goals and Guidelines #1 through #14
OAR 660-015-0010: Statewide Planning Goals and Guidelines #16 Through #19

V. PROPOSED FINDINGS

Code criteria are listed in **bold**, with staff response beneath. Only applicable criteria have been listed.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-3: AMENDMENTS AND CHANGES:

A. Purpose: As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes or amendments shall be made in accordance with the procedures in this Section.

C. Legislative Changes:

1. Initiation: A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.

Application for this legislative change was made by request of the City Council through their Council Goals. The applicable Council Goal was Goal 1, Objective 16, Task 4: "Implement code updates and new code to enable staff to process applications more efficiently." The proposed changes were considered by the Planning Commission and their recommendation forwarded to the Council.

2. Notice and Public Hearing: Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect. (Amd. by Ord. 30, Series 1990).

Notification of the Planning Commission legislative public hearing for this application was published in the Siuslaw News two times on August 10 and 17, 2016. The notification procedures meet the requirements of Florence City Code, the policies of the Florence Realization 2020 Comprehensive Plan, and state law.

CHAPTER 1: CITIZEN INVOLVEMENT & OAR 660-015-0000(1)

Goal

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Policies:

4. **Official City meeting shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.**

This policy is met. The proposed code amendments are consistent with this policy because the notice of the public hearing was noticed in the paper prior to a public hearing before the Planning Commission as required by state law, published in the Siuslaw News on August 10 and 17, 2016. Staff also keeps the City's website up to date on when the city meetings are held and materials for the Planning Commission meetings are posted on the website a week prior to the meeting. The agendas are also posted in City Hall.

5. **Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public.**

The proposal for these actions is consistent with this policy because minutes of all meetings are kept at City Hall, posted on the City website, and made available on request to the public.

6. **Planning documents and background data shall be available to interested citizens.**

The proposal for these actions is consistent with this policy because the Resolution, Findings of Fact, staff report and proposed code amendments were available on August 16, 2016 seven days prior to the public hearings as well as posted on the City website.

CHAPTER 2: LAND USE & OAR 660-015-0000(2)

LAND USE

Goal

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for those decisions and actions.

POLICY 2. **Land use plans and actions of special districts, County, State and Federal agencies shall be consistent with the Florence Realization 2020 Comprehensive Plan, as amended.**

The proposed code amendments establish a ministerial land use planning process and policy framework. As well implementing a Type I planning process, the proposed code integrates architectural guidelines from the Comprehensive Plan into a code criteria format so that clear decisions may be made by staff. The establishment of these criteria allow a measurable or quantifiable factual base for land use decisions and actions.

The proposed code amendments are consistent with the Florence Realization 2020 Comprehensive Plan in all aspects.

POLICY 3. **The quality of residential, commercial and industrial areas within the City shall be assured through the enforcement of City zoning, design review, applicable conditions of development approval, parking and sign ordinances, and the enforcement of building, fire, plumbing and electrical codes.**

The establishment and update of the zoning code will allow for quicker planning decisions for proposals that clearly meet the criteria in code, more thorough design review, better assignment of conditions of development approval which will better serve the Florence community, and better enforcement of City zoning. The proposed regulations will establish consistent standards of architectural quality for residential, commercial, and industrial areas within the City.

REC. 4. **The City should develop and implement a strategy for enforcement of the provisions of the Zoning Ordinance, applicable development standards and hearing body approvals, and other appropriate Florence City Codes.**

The proposed code amendments address development standards and hearing body approvals. The proposed text implements a process for approval for a Type I (ministerial) process, clarifies existing Type II-IV processes, clarifies noticing requirements, codifies other general provisions, as well as other changes throughout the Zoning Ordinance. Offering a Type I process for structural improvements consistent with policy encourages voluntary compliance since the approval procedure is quicker and more affordable.

COMMERCIAL

POLICY 4. **The City shall encourage commercial developments which enhance their surroundings through the on-site use of attractive architecture, relative scale, abundant**

landscaping, vehicular access improvements and appropriate signage.

POLICY 6. **All commercial developments shall be expected to meet a minimum level of improvement and development standards, either initially or at the time of reuse or development.**

A portion of the proposed code amendments specify architectural design criteria, codifying the Florence Downtown Architectural Guidelines and creating a process by which development can obtain ministerial Type I approval of exterior improvements. This implementation accomplishes portions of Policies 4 and 6 which had not yet been specifically required, such as architectural design requirements and relative scale. Commercial developments within the applicable zoning districts will be required to meet a minimum level of improvement and development standards, some of which will be regulated by this proposed code.

POLICY 10. **Within the Old Town area, commercial redevelopment or infill shall encourage compatibility with the character of the surrounding area, including architectural characteristics, the unique physical nature of the Old Town area, and views of the Siuslaw River, and shall not adversely impact the development potential of adjoining properties.**

Currently, changes to the architectural characteristics of a building within the Old Town area require either an Administrative (Type II) or Planning Commission (Type III) approval, even if the proposed changes meet the Florence Downtown Architectural Guidelines. With the proposed changes to code, staff could review changes which met the proposed Architectural Design code within a Ministerial (Type I) process, leading to reduced costs for the applicant, reduced workload on staff, and quicker decisions. The criteria for a Type I process will address not only the architectural characteristics and compatibility with surrounding areas, but the physical nature and the mass of the building being modified, ensuring that the appearance of the Old Town area and views of the Siuslaw River are preserved and not adversely impacted.

REC. 1. **In order to encourage the revitalization and redevelopment of older commercial areas, the City should initiate and entertain constructive amendments to its ordinances and standards.**

This proposed amendment is intended to encourage the revitalization and redevelopment of older commercial areas of Florence such as the Old Town and Mainstreet districts. The proposed architectural design criteria will allow for revitalization and redevelopment while preserving Florence's unique aesthetic quality.

REC. 5. **The City should rely on its site design guidelines and standards for objectively evaluating each new development proposed pursuant to its design review process.**

The addition of these design review criteria will allow staff to effectively and objectively evaluate each new development without need to take smaller proposals to the Planning Commission, freeing staff time, and allowing for greater efficiency in the land use process.

REC. 12. **Waterfront commercial development within Old Town should be architecturally compatible with existing waterfront buildings and structures in terms of scale, massing, building materials, and signage, and should maintain reasonable views of the Siuslaw River by the general public through the groupings of buildings, reasonable height limitations, and pedestrian access. Parking should be in commonly owned interior parking lots where possible.**

The proposed Architectural Design code changes will ensure architectural compatibility through codification of scale, massing, building materials, and signage requirements previously accessible only through review of Comprehensive Plan materials. Inclusion of these changes in development code will allow applicants to know the requirements placed upon them by the City and propose to meet those requirements prior to application. The Florence Downtown Architectural Guidelines were a Comprehensive Plan document, therefore obscure to many applicants prior to application and review by staff and/or the Planning Commission, making changes to proposals commonly necessary in order to meet those requirements. Including these requirements in code, where many applicants may expect to find them may save effort on the parts of both the applicants and staff and lead to clearer expectations for property owners within the Old Town and Mainstreet zoning districts.

CHAPTER 9: ECONOMIC DEVELOPMENT & OAR 660-015-0000(9)

Goal

Policy 1. **The City shall encourage actions and activities that promote the availability of new employment in the community, especially family wage jobs.**

The proposed code amendments will affect the permitted uses of several zoning districts, such as Commercial, Highway, Limited Industrial, Professional Office/Institutional, Mainstreet, and North Commercial districts. The change proposes to remove the prohibition from animal clinics and grooming facilities adjacent to residential uses. This use was the only use in Title 10 which was not

permitted adjacent to another specific use. Typically, uses are permitted or not permitted by zone and not by adjacency.

CHAPTER 12: TRANSPORTATION & OAR 660-015-0000(12)

Goal

To embrace a stable, prosperous business environment focused on industry diversity, yielding family income sufficient to support education, recreation, social and cultural opportunities, comprehensive health services, affordable housing and public safety while preserving the environment and its natural beauty.

Policy 2. **To protect public safety, property owners shall maintain vision clearance in accordance with City standards and the City shall enforce vision clearance requirements.**

The proposed amendments, while not establishing new vision clearance requirements, clarify the existing vision clearance requirements by referring to the correct code section in each section of code where vision clearance is mentioned.

CHAPTER 16: SIUSLAW RIVER ESTUARINE RESOURCES & OAR 660-015-0010(1)

Goals

1. **To recognize and protect the unique environmental, economic, cultural, and social values of the Siuslaw Estuary and associated wetlands.**

2. **To protect, maintain, where appropriate develop, and where appropriate restore the longterm environmental, economic, cultural, and social values, diversity and benefits of the Siuslaw Estuary.**

3. **To provide for appropriate uses with as much diversity as is consistent with the "Shallow Draft Development" Oregon Estuary Classification, and taking into account the biological, economic, recreational, cultural, and aesthetic benefits of the estuary.**

Policy 3. **This Plan and the implementing Code shall provide for appropriate uses, including preservation, with as much diversity as is consistent with the Siuslaw Estuary's classification as a Shallow Draft Development Estuary by the Oregon Estuary Classification, as well as with the biological, economic, recreational, and aesthetic benefits of the estuary.**

The code amendment proposes, beyond grammatical, code reference, and formatting changes, to change the appropriate timeline allowed for non-water-dependent structures constructed prior to July 7, 2009 to retain their non-conforming status until the structure is destroyed for up to ten years from that date (July 7, 2009). This will allow already-built but vacant structures within the Development Estuary (Old Town area) to continue to retain their non-conforming status and be serviced until at least July 7, 2019. Since the impact is pre-existing, staff proposes that allowing a pre-existing, non-water-dependent structure in itself has little additional impact on the estuary and should be allowed until that non-conforming status can no longer be maintained, provided that the structure does not create adverse impacts on the water quality or other physical characteristics of the estuary.

Policy 15. **The general priorities (from highest to lowest) for management and use of the estuarine resources, as implemented through the Management Unit designation and permissible use requirements shall be:**

d. Non-dependent, nonrelated uses which do not alter, reduce, or degrade estuarine resources and values.

The proposed change will allow for a longer length of time, non-water-dependent, non-water-related structures and uses already existing which do not alter, reduce, or degrade estuarine resources. Provided that the use or structure does not adversely impact the estuary, it could continue to retain its non-conforming status until July 7, 2019 or until the structure is destroyed, whichever is earlier. While this is the last priority for permissible uses, allowing existing uses and structures to remain will prevent the future alteration, reduction, or degradation of estuarine resources and values.

Policy 18. **In Development Estuary Management Units, the following additional policies shall apply:**

c. Permitted uses or activities in Development Estuary areas outside of Areas Managed for Water-dependent Activities, shall be limited to the following, provided the proposed use must not be detrimental to natural characteristics or values in the adjacent estuary, and subject to the specific criteria below, and the applicable requirements in f and either d or e (if dredging or fill is required, the requirements in d apply; if the use will otherwise alter the estuary, the requirements in e apply):

10) Water-related uses; non-water-dependent uses, non-water-related uses not requiring dredge or fill; and activities identified in Natural and Conservation MUs may also be allowed where consistent with the purposes of this MU and adjacent shorelands

designated Water Dependent (or designated for waterfront redevelopment). In designating areas for these uses, local governments shall consider the potential for using upland sites to reduce or limit the commitment of the estuarine surface area for surface uses.

The 2009 deadline occurred during the recession when development was not occurring on the private side and businesses were declining. Extending the deadline does not alter the intent of the original policy. The proposed change in code will affect non-water-dependent and non-water-related uses which have been previously constructed and/or possibly operating. The extension of the time limit of five years from July 7, 2009 to ten years from that date, may allow currently non-conforming structures or uses within the Development Estuary district an opportunity to otherwise provide a function other than water-dependent uses. Though water-dependent uses would be preferable in these locations, these structures may allow non-water-dependent uses to locate where they otherwise would not be able to, preserving undeveloped lands for other uses and providing an immediate economic development opportunity.

CHAPTER 17: COASTAL SHORELANDS: OCEAN, ESTUARY, AND LAKE SHORELANDS & OAR 660-015-0010(2)

Goals

1. **To conserve, protect, where appropriate, develop and, where appropriate, restore the resources and benefits of coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources, cultural resources, and recreation and aesthetics.**

2. **To reduce the hazard to human life and property, the adverse effects on water quality, and the adverse effects on fish and wildlife habitat, resulting from the use and enjoyment of Florence's coastal shorelands.**

POLICY 9. **Florence Code provisions adopted to protect shoreland sites designated Water Dependent shall comply with the requirements of OAR 660-037-0080 which state that local land use regulations may:**

b. Allow nonwater-dependent uses that are in conjunction with and incidental and subordinate to water-dependent uses on the site.

1) Such nonwater-dependent uses shall be constructed at the same time as or after the water-dependent use of the site is

established, and must be carried out together with the water-dependent use.

2) The ratio of the square footage of ground-level indoor floor space plus outdoor acreage distributed between the nonwater-dependent uses and the water-dependent uses at the site shall not exceed one to three (nonwaterdependent to water-dependent).

3) Such nonwater-dependent uses shall not interfere with the conduct of the water-dependent use.

c. Allow temporary non-water-dependent uses that involve minimal capital investment and no permanent structures. The intent of allowing such uses is to avoid posing a significant economic obstacle to attracting water-dependent uses. Tools for implementing this approach include "vacate" clauses in leases on public lands, as well as requiring "vacate" clauses for land use approvals involving leasing of private lands.

The proposed code amendment deals with previously approved and constructed non-water-dependent and non-water-related uses and structures. Since they are then classified as pre-existing, non-conforming structures and uses, these sections of the Comprehensive Plan do not apply.

POLICY 12. General priorities for the overall use of Coastal Shorelands (from highest to lowest) shall be to:

4. Provide for nondependent, nonrelated uses which retain flexibility of future use and do not prematurely or inalterably commit shorelands to more intensive uses;

5. Provide for development, including nondependent nonrelated uses, in urban areas compatible with existing or committed uses;

6. Permit nondependent, nonrelated uses which cause a permanent or long-term change in the features of coastal shorelands only upon a demonstration of public need.

The proposed changes affect non-dependent, non-related uses which retain flexibility of future use, but have already altered the estuary through a permanent or long-term change in the features of coastal shorelands. The extension of the time

limit will affect only previously approved uses and structures and may prevent adverse effects on Florence's Coastal Shorelands by allowing a pre-existing structure to be used for non-water-dependent uses rather than being abated.

OREGON REVISED STATUTES

CHAPTER 197 – COMPREHENSIVE LAND USE PLANNING I

197.610 Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.

(1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.

Notice of the proposed changes were sent to the Department of Land Conservation and Development on July 19, 2016, more than 35 days prior to the first evidentiary hearing.

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.

All changes were submitted within the timeline established by the State and DLCD.

(3) Submission of the proposed change must include all of the following materials:

(a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;

(b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;

(c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;

(d) The date set for the first evidentiary hearing;

(e) The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and

(f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.

The required details were submitted to the Department of Land Conservation and Development with the Form 1 submission on the date stated above.

CHAPTER 227 – CITY PLANNING AND ZONING

ORS 227.186: Notice to Property Owners of hearing on Certain Zone change: Form of Notice; Exception; Reimbursement of Cost.

(4) At least 20 days but not more than 40 days before the date of the first evidentiary hearing on an ordinance that proposes to rezone property, a city shall cause a written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

The proposed code amendments apply to the City zoning as a whole, as it largely affects land use planning procedure rather than allowed uses or criteria, or reflects an implementation of a previous practice. The proposed changes do not affect any particular district more so than any other. Other non-procedural proposed changes relax restrictions on allowed uses. Staff finds that this Oregon Revised Statute does not apply in this particular situation. No changes have been proposed which have the effect of rezoning property or effecting the value of property. Notice was published within the Siuslaw News on August 10, 2016 and August 17, 2016.

VI. CONCLUSION

Staff finds that the proposed text amendments to Florence City Code Titles 10 and 11 meet the requirements of City Code, applicable criteria in the Florence Realization 2020 Comprehensive Plan, and Oregon Revised Statutes and recommends approval of Resolution PC 15 20 TA 02 – A recommendation to the City Council to approve proposed text amendments to Florence City Code Titles 10 and 11.