

CITY OF FLORENCE PLANNING COMMISSION
August 23, 2016 ** 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: Vice Chair John Murphey, Chairperson Curt Muilenburg, Commissioner Ron Miller and Commissioner Clarence Lysdale were present. Commissioner Robert Bare and Commissioner Michael Titmus were absent and excused. Also present: Planning Director Wendy FarleyCampbell, Assistant Planner Glen Southerland and Administrative Assistant Vevie McPherrren. PD FarleyCampbell announced that Commissioiner Chic Hammon had resigned via email dated August 23, 2016.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Vice Chair Murphey motioned to approve the Minutes of August 9, 2016 with amendment. Commissioner Lysdale 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 **3 minutes per person**, with a maximum time of 15 minutes for all items.*

There were no public comments.

PUBLIC HEARING

RESOLUTION PC 15 20 TA 02 – Ministerial Code Changes: Proposed City-initiated changes to Florence City Code Title 10 including the addition of a ministerial process, restructuring code to Type I - IV procedure, updates to fence code, Commercial District uses, Marijuana buffering, Water-Dependent use applicable date, Land Use Definitions, Mainstreet District lot/yard descriptions, and Mobile Home code consolidation.

Chairperson Muilenburg opened the public hearing at 7:03 p.m.

Chairperson Muilenburg asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias and there was none. There was no public present to challenge Commissioner Impartiality in making the decision.

Chairperson Muilenburg asked for the staff report.

Staff Report

AP Southerland presented an introduction with details of past work sessions, submitted changes and notices that lead to the evening's first evidentiary hearing. He proceeded with the summary and explained changes by Chapter that included minor formatting changes, removal or errors, and reference changes throughout. Post-Publication changes were made available on the dais and included re-insertion of deleted sections to Chapter 1 regarding Zoning Administration that included renumbering of criteria and minor changes to Chapters 3 and 35. AP Southerland continued with Chapter 2 that included changes to dwelling to add Duplex, Multiple, Single to state that a dwelling is "with permanent provision for living, sleeping, eating, food preparation, and sanitation." He explained the amendment regarding Chapter 3 and off street parking and loading. He noted there had been changes to Chapter 15

for consistency regarding Animal Clinics with the deletion of “use or” and language change in Chapter 17 from “Downtown Architectural Design Guidelines: to “criteria contained within FCC 10-6-6: Architectural Design”. AP Southerland pointed out in Chapter 19 that non-water-dependent and non-water-related uses may be permitted within pre-existing structures that followed a lapse of five years from the date that the use was abandoned, provided that the use would have no adverse impacts on the estuary and findings could be made in support of the non-water-dependent or non-water-related use in that location, such as: economic development, aesthetic enjoyment of the estuary, prevention of other structures being constructed within the estuary, etc. He explained that it was an extension that was missed by the City Council following the start of the recession and had not been modified since the implementation of the code. There was public testimony received presented on the dais from Jennifer Bragar with Housing Land Advocates. AP Southerland indicated that she had expressed concerns about changes to manufactured home requirements, meeting City’s house needs, and meeting requirements of Statewide Planning Goal #10. Staff agreed with the concerns, and only proposed moving the manufactured home criteria from it’s current location of FCC 10-11 and -12 to FCC 10-12 without changes. AP Southerland added that the City would be conducting land analyses later this year and would likely revisit house code amendments in the coming months. At that time Staff would address housing needs and Goal 10 requirements, but would not take on that task at present time. There was also public testimony received presented on the dais from Randy Combest regarding Florence Downtown Architectural Design Guidelines. PD FarleyCampbell presented Mr. Combest’s request to consider adding permitted building materials specifically poly carbonate that would be allowed for use on awnings. There were no referral comments received. AP Southerland stated that Staff recommended approval of Resolution PC 15 02 TA 02 for proposed code changes to the Florence City Council with the noted changes. He then opened up the opportunity for questions.

Commission discussion:

- Commissioner Miller questioned the corner lots front and side yard fence requirements and requested that the requirements be modified along with the demonstrated picture.
- Vice Chair Murphey expressed concern with a lack of vehicular maneuverability criteria for garage parking and Commissioner Lysdale indicated he could look into an improvement study.
- Commission discussion to consider adding permitted building materials specifically poly carbonate that would be allowed for use on awnings. Commissioner Lysdale stated that in his experience the poly carbonate does not successfully withstand long term coastal weather conditions. PD FarleyCampbell stated that language should be very specific regarding any proposed changes with regard to color and style.
- Vice Chair Murphey asked if modular buildings would be categorized under “Dwelling Single” definition under A, AP Southerland indicated that was correct and there was discussion regarding modular (Building Code standards) versus manufactured (HUD standards) dwellings.

PD FarleyCampbell recommended changes:

- Regarding 10.6.6.7A – add to 10.6.6.4G regulating color and 10.6.6.7B to add language “type” to architectural features.
- 10.6.6.1A regarding single family and duplex to add the word “and” between and add “attached and detached to single family
- 10.1.1.6 1A, 14, 2B regarding the reference of up to 25% and Commissioners agreed that 10.1.1.6 1A, 14 & 2B should state “up to and including 25%” and 10.6.3A1 “greater than 25%”
- manufactured versus modular homes.

Chairperson Muilenburg closed the public hearing at 9:08 p.m.

COMMISSION DELIBERATION

There was discussion about particular language in Title 10 Chapter 19 regarding allowed use of abandoned structures and it was determined that Commissioner Lysdale would meet with AP Southerland to address and clarify the language.

Vice Chair Murphey motioned to approve Resolution PC 15 20 TA 02 – Ministerial Code Changes with recommended changes and language modifications. Commissioner Miller seconded.

By roll call vote: Commissioner Miller “yes”; Chairperson Muilenburg “yes”; Vice Chair Murphey “yes”; Commissioner Lysdale “yes”; Commissioner Bare and Commissioner Titmus were absent and excused.

PLANNING COMMISSION DISCUSSION ITEMS

There were no discussion items.

CALENDAR

Tuesday, September 13, 2016 – CANCELLED

Tuesday, September 27, 2016 – Regular Session, 7:00 p.m. at City Hall. Annexation and Zone Assignment scheduled.

Chairperson Muilenburg adjourned the meeting at 9:11 p.m.

Chairperson, Curt Muilenburg
Florence Planning Commission

Date

Ministerial Code Changes



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Introduction

- **Oct. 27, 2015** – PC Work Session
 - Intro to Model Code
 - Intro to Ministerial Process
 - Intro to Council Goal 2, Obj. 5, Task 2
- **Feb. 1, 2016** – Council Goals Updated
- **Feb. 23, 2016** – PC Work Session
 - Intro to Florence Downtown Architectural Guidelines
 - 1st Draft of FCC 10-1
- **Mar. 22, 2016** – PC Work Session
 - 1st Draft of Architectural Design Code

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Introduction

- **Apr. 12, 2016** – PC Work Session
 - 2nd Draft of Architectural Design Code
 - Draft of Old Town Amendments
 - Draft of Mainstreet Amendments
- **May 4, 2016** – Council Work Session
- **May 18, 2016** – Council Work Session
- **May 24, 2016** – PC Work Session
 - 1st Draft of Title 10 Changes
- **July 19, 2016** – DLCD Notice
 - Form 1 Notice Submitted

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Introduction

- **Aug. 23, 2016** – PC Public Hearing
 - 1st Evidentiary Hearing
- **~Aug. 24, 2016** – DLCD Re-Notice
 - Updated Form 1
- **Between Now and October** – Council Work Session
- **October 2016** – Council Public Hearing and Possible Adoption

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Summary of Changes

Located on Pages 1 through 4 of Findings

- Summary and explanation by Chapter
- Please hold questions – staff will respond
- Post-Publication Changes available on Dias

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Chapter 1: Zoning Admin.

FCC 10-1-1-3:

- Addition of "Purpose of This Title" and "Purpose of This Chapter"
- Renumbering of criteria

FCC 10-1-1-4:

- Change to 10-1-1-4-A to require "the information requested on the application form."
- Addition of 10-1-1-4-B
- Addition of 10-1-1-4-C-4 through -7
- 10-1-1-4-D – 30 days requirement & reference
- Addition of 10-1-1-4-F & G

***Table 10-1-1**

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Chapter 1: Zoning Admin.

FCC 10-1-1-5:

- Previous 10-1-1-5 included for reference (deletion)
- Addition of new 10-1-1-5: General Provisions
 - Post-Publication changes

FCC 10-1-1-6:

- Broken down into Sections -1 through -4 for the Type I through IV processes
 - Post-Publication changes

FCC 10-1-4, 10-1-5, and other changes

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Chapter 2: Gen. Zoning

FCC 10-2-4 & 10-2-9:

- Formatting Changes

FCC 10-2-13:

- Moved from 10-1-4
- Changes to Dwelling definition

FCC 10-2-14:

- Moved from 10-1-5

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Chapter 3: Parking

FCC 10-3-6:

- Decisions and appeals

*FCC 10-3-8-J:

- Deletion of "Building Permits are" and addition of "Planning review is."

Throughout:

- Minor formatting changes and error removal

• Ministerial Code Changes

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Ch. 4: Conditional Uses

FCC 10-4-4:

- Information and format required by 10-1-1-4

FCC 10-4-12:

- Parochial changed to Private
- Formatting change for buffer methodology

Throughout:

- Minor formatting changes and error removal
- References to process changed to "Type"

• Ministerial Code Changes

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Chapter 5: Variances

FCC 10-5-5:

- Code reference to Public Hearings

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Chapter 6: Design Review

FCC 10-6-3:

- Minor reference and other changes

FCC 10-6-6:

- Implementation of Architectural Design Review Code
 - From Florence Downtown Architectural Guidelines and Model Code
 - Largely current process through Comp. Plan document

Throughout:

Minor formatting changes, removal of errors, reference changes

• Ministerial Code Changes

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Ch. 7: Special Dev. Stds.

FCC 10-7-3:

- Numbering errors corrected

Throughout:

Minor formatting changes, removal of errors, reference changes

• Ministerial Code Changes

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Ch. 10: Restricted Res.

FCC 10-10-3:

- Procedures and conditions set forth in Chapters 1 and 4

FCC 10-10-5:

- Code reference changes

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Ch. 11: Single-Family Res.

FCC 10-11-3:

- Procedures and conditions set forth in Chapters 1 and 4.
- Change from "parochial" to "private."

FCC 10-10-5:

- Code reference changes
- Deletion of 10-11-6 and 10-11-7 and relocation to FCC 10-12.

• Ministerial Code Changes

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Chapter 12: MH/MH

FCC 10-12-1-3:

- Procedures and conditions set forth in Chapters 1 and 4.
- Change from "parochial" to "private."

FCC 10-12-1-5:

- Code reference changes

FCC 10-12-2-2:

- Addition of criteria from 10-11-7.

Throughout:

- Formatting and reference changes

• Ministerial Code Changes

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Ch. 13: Multi-Family Res.

FCC 10-13-3:

- Procedures and conditions set forth in Chapters 1 and 4.
- Change from "parochial" to "private."

FCC 10-13-5:

- Code reference changes

• Ministerial Code Changes

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Ch. 14: Nbhd. Comm.

FCC 10-14-3:

- Procedures and conditions set forth in Chapters 1 and 4.

FCC 10-14-4:

- Code reference changes

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Ch. 15: Commercial

FCC 10-15-2:

- "Planned" to "Planning"
- Code reference change
- Animal clinics – deletion of "use or"

FCC 10-15-3:

- Procedures and conditions set forth in Chapters 1 and 4.

FCC 10-15-5:

- Code reference changes

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Ch. 16: Highway

FCC 10-16-3:

- Procedures and conditions set forth in Chapters 1 and 4.

FCC 10-16-7:

- Code reference changes

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Ch. 17: Old Town

FCC 10-17-2:

- Addition of "where applicable, and in addition to" & code reference change

FCC 10-17A-2-B, -17B-2-B, -17C-2-B:

- Procedures and conditions set forth in Chapters 1 and 4

FCC 10-17A-4-K, -17B-4-K, 17C-4-K:

- Change from "Downtown Architectural Design Guidelines" to "criteria contained within FCC 10-6-6: Architectural Design"

Throughout:

- Code reference changes, changes to "Type," formatting changes, and error correction

• Ministerial Code Changes

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Ch. 18: Marine

FCC 10-18-3:

- Procedures and conditions set forth in Chapters 1 and 4

Throughout:

- Code reference changes, formatting changes, and error correction

• Ministerial Code Changes

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Ch. 19: Estuary, Etc.

FCC 10-19-2-D, -3-D, etc.:

- Procedures and conditions set forth in Chapters 1 and 4

*FCC 10-19-4-E & F:

- Needs to be modified to match above.
- -4-F-10: including structures, permitting non-water-dependent uses following July 7, 2009 deadline

Throughout:

- Code reference changes, formatting changes, changes to "type" and error correction

• Ministerial Code Changes

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Ch. 20: Limited Ind.

FCC 10-20-2 & 10-20-3:

- Procedures and conditions set forth in Chapters 1 and 4

Throughout:

- Code reference changes, formatting changes, changes to "type" and error correction

• Ministerial Code Changes

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Ch. 22: Open Space

FCC 10-22-3:

- Procedures and conditions set forth in Chapters **1 and 4**

• Ministerial Code Changes 8/23/16 • 25

Ch. 25: PO/I

FCC 10-25-2:

- Change to 13, delete "use or"

FCC 10-25-3:

- Procedures and conditions set forth in Chapters **1 and 4**
- Deletion of reference to FCC 10-5

Throughout:

- Code reference changes, formatting changes, changes to "type" and error correction

• Ministerial Code Changes 8/23/16 • 26

Ch. 27: Mainstreet

FCC 10-27-2:

- Change to a10, delete "use or"

FCC 10-27-3:

- Procedures and conditions set forth in Chapters **1 and 4**

FCC 10-27-4 & -5:

- Deletion of "The Design Review Board may allow"
- Deletion of "as shown on the following page"
- Deletion of "except that the 20' height requirement does not apply" as applicable
- Addition of "Architectural Design code contained within FCC 10-6-6"

Throughout:

- Code reference changes, formatting changes, changes to "type" and error correction

• Ministerial Code Changes 8/23/16 • 27

Ch. 28: PVBP

FCC 10-28-2 & 10-28-3:

- Procedures and conditions set forth in Chapters **1 and 4**

Throughout:

- Code reference changes, formatting changes, changes to "type" and error correction

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Ch. 29: Coast Village

Throughout:

- Code reference changes, formatting changes, changes to "type" and error correction

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Ch. 30: North Comm.

FCC 10-30-2:

- Procedures and conditions set forth in Chapters **1 and 6**
- Deletion of "use or" from animal clinics

FCC 10-30-3:

- Addition of Chapter 1

Throughout:

- Code reference changes, formatting changes, changes to "type" and error correction

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Ch. 32: Drinking Water

Throughout:

- Code reference changes, formatting changes, changes to "type" and error correction

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Ch. 34: Landscaping

FCC 10-34-5-B:

- Change from three feet high fences to allow fences four feet in height.
- Figure 10-34(2) changed to demonstrate 4'

FCC 10-34-5-D:

- Change to reflect change in building code to allow fences 7' in height without permits.

Throughout:

- Code reference changes, formatting changes, changes to "type" and error correction

• Ministerial Code Changes

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Ch. 35: Access & Circ.

***FCC 10-35-2-12-B:**

- Addition of "Driveways leading to covered parking should be not less than 20 feet in depth from the property line to the structure."

Throughout:

- Code reference changes, formatting changes, changes to "type" and error correction

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Title 11 Ch. 1, 2, & 3

Throughout:

- Code reference changes, formatting changes, changes to "type" and error correction

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Testimony/Referrals

Public Testimony

- Jennifer Bragar, Housing Land Advocates

Referral Comments

- None Received

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Staff Recommendation

Staff recommends approval of Resolution PC 15 02 TA 02 – a Resolution recommending approval of proposed code changes to the Florence City Council.

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Questions?

• Ministerial Code Changes

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August 23, 2016

City of Florence Planning Commission
250 Highway 101
Florence, OR 97439

Re: Proposed Amendment CC-15-05-TA-02: Amending the Development Code as follows addition of ministerial process, restructuring code to Type I - IV procedure, updates to fence code, Commercial Dist. uses, Marijuana buffering, Water-Dependent use applicable date, Land Use Definitions, Mainstreet Dist. lot/yard descriptions, and Mobile Home code consolidation.

Dear Florence Planning Commission:

This letter is submitted by Housing Land Advocates (HLA). HLA is a non-profit organization that advocates for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. Please include these comments in the record for the above-referenced proposed amendment.

The proposed revisions to the City's comprehensive plan must be in compliance with the Statewide Planning Goals. ORS 197.175(2)(a). However, the staff report for the proposed revisions contains no mention of Goal 10, when all relevant goals must be considered.

While HLA supports the City's proposal to allow manufactured homes outside of manufactured home subdivisions or parks in the addition of code section 10-12-2-2, the City has stopped short of offering meaningful and affordable housing opportunities by inclusion of a minimum manufactured home size of 1,000 square feet.¹ This minimum size requirement excludes smaller, lower-cost manufactured homes without justification and therefore affects the availability of housing types and affordability levels, which implicates Goal 10. Goal 10 requires the City to inventory buildable lands for residential use and to use the inventory to show that an adequate number of needed housing units can be supported with the remaining residential supply. No such inventory is present in the City's findings of fact.² The City's failure to provide a buildable lands inventory analysis in its findings and to specifically address manufactured homes in relation to the inventory is a fatal flaw to the proposed amendments. *Creswell Court v. City of Creswell*, 35 Or LUBA 234 (1998).

The staff report does not address the potential impact of the proposal on the City's Goal 10 obligations. The City must demonstrate that its actions do not leave it with less than adequate

¹ *Proposed Changes*, p. 99, available at http://www.ci.florence.or.us/sites/default/files/fileattachments/proposed_changes_-_complete.pdf.

² See http://www.ci.florence.or.us/sites/default/files/fileattachments/pc_15_20_ta_02_-_findings_of_fact.pdf.

residential land supplies in the types, locations, and affordability ranges affected. *Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane County v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations).

HLA urges the Commission to defer adoption of the proposed amendment until its impact on the City's Goal 10 obligations is fully and adequately analyzed and documented. Thank you for your consideration. Please provide written notice of your decision to HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, 11th Floor, Portland, OR 97204.

Sincerely,



Jennifer Bragar
President
Housing Land Advocates

GSB:8000516.1 [13046.00117]

Randy Combest
89345 View drive
Florence Oregon 97439

[REDACTED]
[REDACTED]
[REDACTED] the installation of "bolt on" canopies, designed specifically for this environment [REDACTED] are presently in violation according to the Florence Design Guidelines, and are the reason for my petition.

[REDACTED]
[REDACTED]
[REDACTED]

Data analysis shows awnings are a smart retrofit to reduce home energy consumption. This can amount to as much \$200/year or more in energy savings.

- *Save money through reduced cooling bills*
 - *Increase comfort by reducing home's internal temperature*
 - *Potentially reduce size of and mechanical wear on the home AC unit*
- visit below link for more info!*
http://www.awninginfo.com/home_awning_save_energy.html

I was astonished and frustrated to find that the cities' Architectural Design Guidelines (ADG) prohibits my efforts to improve the look of my property and my desire to save energy and limit the effects of climate change. In addition this whole permit process seems very clumsy and inefficient for such a small city. The canopies I researched are used in many cities in the northwest Seattle, Portland. Yet in Florence they are not allowed because they are not made of "Glass, Steel, wood, or canvas" in addition, I was told they were "too modern". The staff seems to have no means of considering small practical changes to specific situations. It's a one size fits all. As a commercial property tax payer it appears very inefficient.

The ADG's building illustrations are of eighteen century buildings, a cloth canopy is not going to make my simple single story, seventies building look like those on Bay Street. By limiting the material allowed in the use of canopies and basing the criteria solely on looks, seems counter to those of us (business owners, residents) who want to use new products and efficiencies that are relevant to our specific application and to address the real effects of climate change.

I have lived in Florence since 1962, and have owned property in Florence since 1981. I have done a lot of maintenance on buildings that have suffered the effects of our unique environment. The long wet and windy winters followed by warm and now ever hotter summers. "Glass, Steel, Wood, or Canvas" are not best materials to use for the construction of

a canopy in Florence Oregon and in 2016. This is not the 18th century; there are many superior materials more suitable to our environment and the changing effects of global warming.



Are the materials, glass, steel, wood, or canvas exclusive? Most of the so called “canvas” canopies are not made of canvas and use aluminum as their underling structure, not steel.

I researched canopies extensively and found this canopy to be perfect [redacted] for the coastal environment because it’s made exclusively of Polycarbonate and Aluminum. No joints or welded components.

This canopy is not “glass, steel, wood, or canvas”..., for the Oregon Coast it’s just practical.

This canopy won’t break like **glass** for high winds or vandalism. You can’t bend glass



This canopy wont rust like **steel** (cities bus stop canopies), but will withstand very high winds, used in the production of bullet proof products.



This canopy won’t require a LOT of maintenance like **wood**. Will not rot, warp, shrink or expand with changing temperature.



And finally this canopy won't fade, mold, block light or look ragged and worn after a few winters, like canvas.

As for the canopy looking "too modern", that's a bit subjective.....

























