

**PLANNING COMMISSION FINDINGS
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT
Exhibit "A"**

Public Hearing Date: September 13, 2011 **Planner:** Wendy Farley Campbell
Date of Report: September 6, 2011
File: PC 11 08 ZC 02 and PC 11 09 TA 01

I. PROPOSAL

The City of Florence proposes to amend the zoning map boundaries and create a new zoning district for Coast Village. This residential/recreational community consists of approximately 42 acres subdivided into one centrally located common area, two common areas adjacent to Highway 101, and 259* privately owned lots. The area east of Spruce St. consisting of 235 lots, private roads, and common areas is designated Medium Density in the Comprehensive Plan and zoned Single-Family Residential District. The area west of Spruce St. consisting of 24 lots, private roads, and common areas is plan designated Medium Density and zoned Highway District. The specific amendments are presented in Exhibits "B" through "G" and are summarized as follows:

- Changes all of Coast Village into one new zoning district;
- Expands the land uses allowed in the Coast Village subdivision, maintaining the recreational land use approved in their subdivision approvals dated 1970-1982, and provides additional non-conventional residential land use opportunities;
- Makes all private numerically platted lots legal building lots;
- Implements development standards in coordination with the Home Owner Association Covenants, Conditions and Restrictions and Architectural Review Committee Policies and Procedures;
- Amends definition for "Recreational Vehicle" in the Florence City Code;
- Updates regulations regarding siting emergency housing;
- Removes language inconsistent with state law regulating manufactured homes;
- Acknowledges Coast Village District within the "Medium Density" text in Chapter 2, Land Use of *Florence Realization 2020 Comprehensive Plan*.

The proposal includes minor Comprehensive Plan text changes and both zoning map and code changes. These are described below.

* Coast Village consists of 259 original numerically platted lots (not including Lot 4-Community Center area). Five numerically platted lots in CV East were consolidated into adjoining lots by legal property adjustments or by Coast Village CC&R acknowledgement. The owners of 2 lots in CV West have assumed ownership of Lots B & C, originally HOA ownership.

The preparation of this report was made possible in part through financial assistance provided by the Coastal Zone Mgt. 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 Dept. of Land Conservation and Development.

Comprehensive Plan Text Amendments (PC 11 09 TA 01): The proposed Comprehensive Plan text changes would amend the *Florence Realization 2020 Comprehensive Plan*, Chapter 2 – Land Use, Residential--Medium Density Residential.

Zoning Code Amendments (PC 11 09 TA 01): The proposed zoning code changes would amend the Florence City Code (FCC) Title 10, Chapter 1 – Zoning Administration, Chapter 2 – General Zoning Provisions, Chapter 12 – Mobile/Manufactured Home District and add Chapter 29 – Coast Village District.

Zoning Map Amendments (PC 11 08 ZC 02): The proposed zoning map changes are quasi-judicial amendments, and the specific properties proposed to be rezoned are illustrated in a map in Exhibit B. The proposed map amendments:

- Rezone the eastern 38.5 acre Coast Village property from “Single-Family Residential District” (FCC 10-11) to “Coast Village District” (FCC 10-29); and
- Rezone the western 3.4 acre Coast Village property from “Highway District” (FCC 10-16) to “Coast Village District” (FCC 10-29).

II. BACKGROUND

Coast Village is a unique development because it was originally developed as a campground with privately-owned camp lots and then transitioned toward recreational vehicle use, storage and permanent housing. There are a variety of lot sizes in Coast Village, some are a standard lot size for the Single-Family Residential zoning district (6,000 sq. ft.) and some do not meet the minimum lot size for the Single-Family zone. Over time, the Coast Village development has grown to be a year-round residential community for many of its residents.

Some individuals have or want to construct a standard site-built home on their lot, while some want to place a manufactured home on their lot and others want to stay in their RV or park-model throughout the year. The existing Single-Family zone prohibits some residents from constructing a new home because the lot size does not meet the code requirements. Coast Village is one example of affordable housing for many individuals living in that community. Due to its unique evolution over time, a new zoning district is proposed for Coast Village.

In order to create a new zone for this development, staff reviewed the Covenants, Conditions and Restrictions (CC&Rs), Bylaws, and Architectural Review Committee Policies and Procedures for the community and met with Coast Village residents on April 1st, 2011, to establish standards for a new code. Staff met again with Coast Village residents on June 10th to review a draft code and receive comments on the proposal. Based on this input from Coast Village residents, as well as input from City staff the Planning Commission on June 28th held a public hearing and subsequently initiated a new zoning district for Coast Village.

Following initiation of the Coast Village rezone, the Planning Commission on July 12, 2011 met with members of the Coast Village Home Owners Association to tour the Coast Village community and see the various housing styles and development patterns. The tour included the opportunity for question and answer scenarios but did not include a deliberation session of the proposed changes. This type of land use decision is both quasi-judicial and legislative and requires a public hearing before the Planning Commission, who makes a recommendation to the City Council. The Council will hold another public hearing prior to making the final decision on the proposal.

III. SUMMARY OF PROPOSED CHANGES

The proposed zoning district for Coast Village establishes the following basic standards:

1. Permanent residence in motor-homes, RVs and park models is allowed.
2. Only one permanent dwelling unit --site built, pre-manufactured, or self-contained mobile structure on a lot is allowed, and accessory dwelling units are prohibited.
3. Partitions and lot line adjustments are prohibited; buildable lots are limited to the existing platted numerical lots, excluding Lot 4 of Block 1 of Coast Village (Coast Village Home Owner Association owned community center, laundry, playground and pool).
4. Site-built, manufactured and pre-manufactured homes are allowed on small lots.
5. No minimum floor area is required for dwellings.
6. Only one parking space is required on a lot (rather than two).
7. No garage or carport is required, and parking is allowed within the front yard.
8. Driveways and parking spaces do not have to be paved.
9. Lot coverage is limited to 35% for enclosed structures and 65% for all impervious surfaces (e.g. structures and pavement (excluding encroaching platted streets)); gravel driveways and parking do not count toward the 65% lot coverage.
10. Height limit is 16 feet, measured from the ground to the highest point of the roof.
11. A 5 foot greenbelt buffer is required on three sides of the lot (sides and rear), consistent with the CC&R standards.
12. A 3 foot fire safety clearance standard is required around residential units and propane tanks.
13. The setbacks combine the greenbelt and fire safety clearance requirements, by requiring 8 foot side yards, 10 foot rear yards and 20 foot front yards.
14. Only signage and fences that are located along the perimeter of the entire development are regulated under the City code, because the Coast Village CC&Rs already have standards for fences and the CC&Rs do not allow signs within the community.

Additionally ancillary changes related to the above mentioned code amendments include:

1. FCC 10-1-4: The definition of Recreational Vehicles changes to include exceptions allowed in Coast Village.
2. FCC 10-2-9: Removes the section permitting manufactured home regulations to apply to all mobile homes and pre-manufactured housing.
3. FCC 10-12-2-3: Removes language inconsistent with state law regulating manufactured homes and revises and relocates text regarding emergency housing siting.
4. Comprehensive Plan: Chapter 2, Medium Density is revised to include Coast Village as an implementing district.

IV. NOTICE AND REFERRALS

1. Notice:

The notice of the Planning Commission public hearing was mailed to Coast Village property owners and surrounding property owners and posted at all Coast Village property entrances on August 24, 2011, and posted on the City web site August 25, 2011, as well as published in the Siuslaw News on September 7, 2011 as required by State law and the Florence City Code. As of this writing, the comments received from the public are included in the Exhibits, and the issues identified are summarized in the following Section IV.

2. Referrals:

Notice of the proposed City Code Amendments was sent to the Department of Land, Conservation and Development (DLCD) on June 29, 2011 not less than 45 days prior to the proposed first evidentiary hearing of September 13, 2011, as required by State law and the Florence City Code.

On August 22nd, 2011 referrals were also sent to:
Central Lincoln PUD
Confederated Tribes of Coos, Lower Umpqua and Siuslaw
Florence Code Enforcement
Florence Building Official
Florence Police Department
Florence Public Works Department
Lane County Land Management
Siuslaw Valley Fire & Rescue
State of Oregon Department of Land, Conservation and Development
State of Oregon Department of Transportation
Western Lane Ambulance District

As of this writing, the comments received from these agencies and organizations are included in the Exhibits, and any issues identified are summarized in the following Section IV.

V. ISSUES

“As Platted” language use: Warren Scherich of Lot 158 Outer Drive wrote about his concern with using “as platted” language in the 10-37-5 “Lot and Yard Provisions” section of the proposed code, specifically the “Minimum Lot Area” and “Minimum Lot Dimensions” sections. He states that surveying was not performed and the streets are not located as platted and in many instances encroach into properties as much as 10-20 feet. He recommends using “as developed” language instead to make it easier to comply with the proposed zoning and reduce the possibility of legal actions.

Response: Mr. Scherich’s concerns have been voiced by others over the last several years. See Exhibit “T” to view a survey recorded in 2004 for a lot in Coast Village with Easy St. encroachment. The situation creates several interpretations or unnecessary hardships for property owners. Some are as follows:

Lot coverage calculation--When preparing a building permit for a lot with 300-600 sq. ft. of street on it, does staff include the street coverage in the 65% impervious allowance? *Front yard setback*--Where would staff measure the 20 foot front yard setback for a building when the front property line lies in the middle of the street was constructed on private property?

It is unlikely that Coast Village will undertake the task of tearing out streets and utilities to place them in their platted locations. To address the front yard setback and lot coverage issues, one option is to measure from the front property line or the edge of street pavement whichever is closer to the proposed structure and simply not include street pavement in the coverage calculations. This should address the practical issues Mr. Scherich discusses. It does not however address the legal concern of the common facilities encroaching onto private property. Staff is hesitant however to say that lot dimensions and lot area should be identified “as developed”. That specifically could make the city appear to recognize that neighboring property encroachment is okay.

To specifically address Mr. Scherich’s concerns regarding using “as platted” to define Lot Area and Lot Dimensions staff recommends adding a definition for “lot” as follows, “Numerical lots as platted including both alphabetical lots combined with adjoining numerical lots and property line adjustments recorded by the effective date of this chapter. Does not include Lot 4, Block 1, Coast Village (Coast Village Homeowners Association Owned).” To address the issues discussed above and mentioned by Mr. Scherich staff recommends adding language excluding street pavement in the 65% coverage calculation and starting the 20’ front yard measurement from the street pavement where a street encroaches

onto private property. A property owner could apply for a variance if s/he is left with a building envelope unsuitable for construction.

Addressing: Maurice Sanders, Chief of Police for the City of Florence, stated that there are no issues with police access into and within the site. However, he did cite some issues with the legibility or lack of addressing on a few of the sites. Sean Barrett, Fire Marshall, states that addressing is adequate and that he will work with the Board to ensure all lots have a visible address.

Response: Provision of adequate site addressing is reviewed with building permit applications. *Staff recommends that with all future Coast Village building permits or other city utility applications site addressing be diligently reviewed and inspected.*

Vision Clearance: Chapter 12 of the Florence 2020 Realization Comprehensive Plan states that Vision Clearance provisions shall be enforced. Florence City Code Title 10 Chapter 35-2-13 requires 20' vision clearance at the intersection of two streets, 10' at the intersections of alleys or driveways and streets.

Tom Nicholson, Attorney for Coast Village Home Owners Association has requested 10' vision clearance for Coast Village. He cites the 10 mph speed limits, narrow street widths (20' platted) and one-way traffic pattern as reasons for the reduction.

Response:

The above transportation criteria states that "Vision clearance provisions shall be enforced". "Provisions" is defined by Merriam Webster as 1. Providing 2. Preparation and 3. Stipulations. Stipulations seems to be the intent of the word's use in this situation and means "conditions" or "requirements". The Comprehensive Plan does not list vision clearance standards to be implemented. The Florence City Code provides the regulations.

As quoted from the Comprehensive Plan and placed at the beginning of the findings section, "*Policies are more specific and are subject to interpretation by the Planning Commission and City Council.*" Therefore this policy is open to interpretation by Planning Commission and City Council as to whether the intent was to require the regulations stated in code to be enforced or the conditions placed on a development to be enforced.

The Coast Village road circumstance does not mimic any other scenario in the city. At most the Coast Village road system has a series of alley to street intersections, but with one-way traffic. There are no public streets within Florence that are paved 20' wide or have a speed limit less than 25 mph. If Planning Commission agrees with Mr. Nicholson's position to permit a 10' vision clearance then a code change would also be required for FCC 10-35 to state Coast Village's 10' requirement. *Staff does not have a recommendation.*

Accessory Dwelling Units: Commissioner Muilenburg of the Planning Commission stated at the initiation hearing held on June 28, 2011 that the language referenced 10-32-4 (A) that states “Two or more dwelling units that are occupied more than six (6) months in any twelve (12) month period.” was unclear. Specifically, the confusion seemed to be around the allowance of Accessory Dwelling Units (ADUs). At the initiation hearing Coast Village stated they did not want ADUs.

Response: To make the intent clear FCC 10-29-4-A was added to disallow Accessory Dwelling Units, while provision for guests staying in an additional RV was added as an allowed use to FCC 10-29-3.

Parking for Service Vehicles and Visitors: Commissioners Muilenburg and Bare stated at the initiation hearing held on June 28, 2011 that they were concerned about inadequate parking for service vehicles and visitors.

Response: The city does not have standards for one-way street design. However, the following applies to internal circulation within developments. FCC 10-35-2-11 states that one-way openings onto a public right-of-way and driveways shall have a driveway surface a minimum of 12’ wide (for a fire apparatus lane) within an unrestricted 20’ wide aisle, or as approved by the Fire Code Official. Both Police Chief Maurice Sanders and Fire Marshall Sean Barrett indicated in their referral responses following site visits that the roads meet their needs and that the road system meets the fire code requirements. As stated in the findings below there is visitor parking available at the community center. Sean Barrett, the Fire Marshall has approved the proposal as submitted which therefore meets FCC 10-35-2-11. To specifically address the concern for service vehicle and visitor parking the Planning Commission could require the placement of “no parking” signs or other solution.

Removal of wheels and tongue: Commissioners Hoile and Tilton asked staff to consider revising the language proposed in 10-37-3-A-3 regarding the removal of tongues and wheels on a self-contained mobile structure when placed permanently. In addition to the initiation hearing there has been ongoing discussion about the presence of tongue and running gear related to whether it makes a dwelling temporary and permanent.

Response: For informational purposes and to suggest where perhaps the tongue and wheel debate came from historically, FCC 10-12 Mobile Home/Manufactured Home Regulations has the following requirements: Home Regulations—foundations & skirting are required and tongues and running gear must be removed, Mobile Home Park—no foundation permitted, tie-downs and skirting required.

Staff made a number of changes in the permitted uses section of FCC 10-29-3 (formerly 10-37-3). *The specific proposed amendment related to the issue above includes adding a definition for “Permanent Dwelling” to the 10-29-2 “Definitions” section. The definition includes self-contained mobile structures but does include*

any text related to tongues and wheels. The issue of keeping a tongue or running gear on a self-contained mobile structure when having made it “Permanent” is an aesthetic issue.

VI. APPLICABLE CRITERIA

- 1. Florence City Code (FCC) Title 10: Zoning Regulations**
 - Chapter 1, Zoning Administration:
 - Section 1-3 Amendments and Changes:
 - Section B Quasi-Judicial Changes
 - Section 1-1-5 Land Use Hearings
 - Section 1-2-2 Change of Boundaries on Zoning Map
- 2. Florence Realization 2020 Comprehensive Plan**
 - Chapter 1: Citizen Involvement
 - Chapter 2: Land Use
 - Chapter 10: Housing Opportunities
 - Chapter 13: Energy Facilities and Conservation
- 3. Statewide Planning Goals: (for Comprehensive Plan Amendments)**
 - Goal 1: Citizen Involvement [OAR 660-015-0000(1)]
 - Goal 2: Land Use [OAR 660-015-0000(2)]
 - Goal 10: Housing [OAR 660-015-0000(10)]
- 4. Oregon Revised Statutes (ORS)**
 - ORS 197.610: Local government notice of proposed amendment or new regulation; exceptions; report to commission
 - ORS 197.763: Conduct of local quasi-judicial land use hearings; notice requirements; hearing procedures
 - ORS 227.186: Notice to Property Owners of Hearing on Certain Zone Change; Form of Notice; Exceptions; Reimbursement of Cost

VII. FINDINGS

Florence City Code (FCC)

Title 10 Zoning Regulations, Chapter 1 Zoning Administration

10-1-1-5: LAND USE HEARINGS:

- A. Hearings are required for quasi-judicial land use matters requiring Planning Commission review.**

Finding: The proposal is consistent with this criterion because the Planning Commission held a public hearing on the proposed rezone and code changes on

September 13, 2011, prior to making a recommendation on the matter to the City Council for a final decision.

B. Notification of Hearing:

1. **At least twenty (20) days prior to a quasi-judicial hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**
 - a. **Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4.**
 - b. **For a zone change application with two or more evidentiary hearings, notice of hearing shall be mailed no less than ten (10) days prior to the date of the Planning Commission hearing and no less than ten (10) days prior to the date of the City Council hearing.**
 - c. **For an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.186 and ORS 227.175(8).**

Finding: The proposal is consistent with these criteria because notice of hearing was sent to all Coast Village owners and owners of property within 300 feet of the Coast Village Community, on August 24, 2011, at least 10 days prior to the first evidentiary hearing with the Planning Commission and was posted on the City's web site August 25, 2011.

- a. Notice of this proposal was not required under ORS 227.175 and FCC 10-21-2-4 to the Florence Municipal Airport, Oregon Department of Aviation and Federal Aviation Administration.
 - b. Notice of hearing was sent August 24, 2011 to all owners of record of property that are proposed to be rezoned in accordance with ORS 227.186; the criteria of ORS 227.186 are addressed in a following section and those findings are incorporated herein.
 - c. The properties proposed to be rezoned do not include mobile home or manufactured home parks; therefore, ORS 227.175(8) does not apply.
2. **Prior to a quasi-judicial hearing, notice shall be published one (1) time in a newspaper of general circulation.**

Finding: The proposal is consistent with this criterion because a public notice was published in the Siuslaw News on September 7, 2011, prior to the initial evidentiary hearing with the Planning Commission.

10-1-2-2: CHANGE OF BOUNDARIES ON ZONING MAP: The basic purpose of this Title is to indicate the zoning districts into which the City is divided and to set forth the uses permitted in each zone. The zoning districts are shown on the Zoning Map which is an integral part of this Title. The map shall be prepared from base maps which clearly indicate property lines as

well as lot, block and street lines. Once adopted, one copy of the Zoning Map shall be filed with the City Recorder and never destroyed or altered in any way. Amendments to the map (zone boundary changes) shall be indicated on subsequent maps, dated and filed with the map originally adopted. Each map shall bear the signature of the Planning Commission chairman who shall testify to their authenticity.

Finding: The proposal to rezone property to the Coast Village District is consistent with these criteria because:

- The new zoning map shall be filed with the adopting ordinance with the City Recorder and kept in perpetuity;
- Future amendments to the zoning map boundaries will be indicated on subsequent maps and filed with the City Recorder; and
- The new zoning map boundaries shall be signed by the Planning Commission Chair.

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.

B. Quasi-Judicial Changes:

1. Initiation: A quasi-judicial zoning change and related Comprehensive Plan changes may be initiated by application of a property owner within the affected area, by a person having substantial ownership interest in the property, by resolution of the Planning Commission or motion of the City Council, and also by individual citizens or citizen groups during Plan update as provided in The Comprehensive Plan.

Finding: The proposal to rezone properties to the Coast Village District is a quasi-judicial change and consistent with this criterion because the Planning Commission initiated the amendments by resolution at a regularly scheduled meeting held on June 28, 2011.

3. Notice and Public Hearing: Notice and public hearing for quasi-judicial changes to this Code and the Comprehensive Plan shall be in accordance with Code Section 10-1-1-5.

Finding: The proposal to rezone properties to the Coast Village District is consistent with this criterion because the notice for public hearing was prepared in accordance with the criteria of FCC 10-1-1-5, which was addressed in the previous section and those findings are incorporated herein.

Realization 2020, Florence Comprehensive Plan

Policies: Policies are the positions the City will take in order to reach the Goals. Policies are more specific and are subject to interpretation by the Planning Commission and City Council. They are intended to be used on a day-to-day basis and deal with particular aspects or ramifications of the broad goal stated for each category.

Recommendations: Recommendations are particular actions that should be initiated and implemented to assist in achieving the goals and policies set forth.

The below review includes both policies and recommendations. However, only policies are hearing criteria. The inclusion of recommendations is informational to illustrate progression towards implementation of the comprehensive plan goals and policies.

Chapter 1: Citizen Involvement

Citizen Involvement 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.**

Finding: The proposal for the rezone and code amendments is consistent with this policy because the notice of the Planning Commission public hearing was mailed to Coast Village property owners and property owners within 300 feet on August 24, 2011 in accordance with FCC 10-1-1-5 and ORS 227.186 and was published in the Siuslaw News September 7, 2011. Additionally, land use signs with the notices were posted at all Coast Village property entrances (3) on August 24, 2011 and the agenda and proposed amendments were posted on the City's web site, prior to the hearing. Citizens were provided the opportunity to comment on the proposed amendments and the Planning Commission made changes where appropriate to address those comments.

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

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

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

Finding: The proposal for these actions is consistent with this policy because the initiated documents (resolution & proposed code amendments) were posted on the city's website on August 24th and the staff report was made available seven days prior to the public hearing as well as posted on the City web site.

Chapter 2: Land Use

Residential

Policies:

- 2. The City shall initiate an evaluation of its residential ordinances following adoption and acknowledgment of this Plan with respect to increasing residential densities through the use of smaller lot sizes, encouraging cluster developments, and providing developers with density bonus options based on public benefit criteria.**

Finding: The proposal is consistent with this policy because evaluation of the residential zoning code and subsequently changing it to make all Coast Village numerically platted lots (excepting Lot 4 of Block 1 of Coast Village) buildable lots increases the opportunity for residential density. The lots in Coast Village were platted as campground lots and are therefore mostly under the 6000 sq. ft. minimum lot size allowed in the Single Family Residential zone. The proposed zone changes make the remaining 186 lots (71%) of the original 259 lots buildable. The zoning map and code amendments will encourage permanent development within the Coast Village.

- 7. The City shall determine estimated additional usage and the impacts of proposed development upon maximum capability for sewer, water and stormwater systems. This information is to be included in subdivision and design review staff reports.**

Finding: This policy directly relates to subdivision and design review staff reports. This staff report is for comprehensive plan, zone text and zone changes. However, it is worth mentioning information available on known utility systems in Coast Village. All internal utility systems within Coast Village are privately owned by the Coast Village Homeowners Association. Coast Village has recently invested significant expense in replacing water lines within the development. Siuslaw Valley Fire and Rescue on August 24th performed fire flow testing of fire hydrants and water mains within Coast Village and found them all to meet the current fire code requirements. Public Works has not indicated any problems with any sewer or stormwater connections.

- 8. Existing residential uses in residential zoning districts and proposed residential areas shall be protected from encroachment of land uses with characteristics that are distinctly incompatible with a residential environment. Existing residential uses in commercial and industrial**

zones shall be given the maximum practicable protection within the overall purposes and standards of those districts.

Finding: The proposal is consistent with this policy because Coast Village is an existing 40 year old platted subdivision. While approved for recreational purposes many of the lots over the decades have evolved into full-time occupancy. While some lots have converted from recreation use to permanent housing, many lots have recreational type vehicles on them full-time with accessory structures constructed and attached to them or over them. The proposed text change would essentially provide criteria for permitting this type of development in a legal and organized fashion. For the most part the Coast Village Development has developed overtime consistent with a more dense subdivision. The proposed land uses are therefore not incompatible with adjacent residential uses and districts.

- 9. The City shall permit a manufactured home to be located in any residential area in accordance with Oregon law, the provisions of the City's zoning code and applicable building and specialty codes.**

Finding: The proposal is consistent with this policy because the proposed Coast Village District permits manufactured homes as a permitted permanent use. Additionally, text from FCC 10-12-2-3 that limits the location of manufactured homes to certain Districts and development scenarios is removed.

Recommendations

- 3. Development standards should be amended as necessary to encourage the protection of significant natural land forms, historic drainage patterns, and large areas of significant native vegetation or individual specimen trees.**

Finding: The proposal is consistent with this recommendation because the proposed code amends the existing setback development standards to require the retention of 5' green belts around each lot.

- 4. City Codes should be amended to encourage innovative housing types and subdivision layouts which embrace new trends in residential living and promote neighborhoods within the Florence community.**

Finding: The proposal is consistent with this recommendation because the proposed Coast Village District (FCC 10-29) expands the allowable land uses to permit single family dwellings on all numerically platted lots and recreational and permanent use of mobile residential structures; and development standards, such as lot size and parking have been relaxed.

Medium Density Residential

The Medium Density Residential designation is intended for areas where existing lot sizes are in the neighborhood of 5,000 – 6,500 square feet, and for the majority of developable land remaining in the City, as well as urbanizable lands east of Highway 101. The corresponding zoning district is Single Family Residential. Single family homes and manufactured homes meeting certain minimum standards are allowed. Duplexes are a conditional use.

Finding: The proposal is consistent with this policy because the proposed Coast Village District has an average density of 6.5 lots per acre which equates to an average of 6,626 sq. ft. lots. This calculation excludes the common area acreage 2.6 acres but includes street acreage). Coast Village lot sizes range from approximately 21,500 sq. ft. to 3,500 sq. ft. (One lot is 1,300 sq. ft. and is presently used as a driveway for another adjoining lot.) Coast Village is similar to today's Planned Unit Development which permits relaxation of development standards in exchange for common open space dedication. The Coast Village District name will be added as a corresponding zoning district to the above Medium Density Residential language.

Chapter 5: Open Spaces and Scenic, Historic, and Natural Resources

Policies:

- 2. City Code currently requires minimal landscaping. The City shall evaluate its codes, to determine whether landscaping requirements need to be increased. The integration of native vegetation into site plans should reduce costs of additional landscaping as well as the need for irrigation once plantings are established.**

Finding: The proposal is consistent with this policy because the proposed Coast Village District zoning text FCC 10-29-5 requires the retention of a 5' native vegetative buffer along all side and rear yards within individual lots.

Chapter 10: Housing Opportunities

Goal: To provide the opportunities and conditions to meet housing needs within the City of Florence and the Urban Growth Boundary.

Policies:

- 1. The Zoning Ordinance shall provide for varying density levels, land use policies, and housing types in support of this goal.**

Finding: Many Coast Village property owners over the years have indicated a desire to build or place a permanent home on their lot but have been unable to due to their lot being undersized for home construction (less than 6,000 sq. ft.)

Presently 186 of the 259 lots are undersized for permanent dwelling construction or placement. The proposal is consistent with this policy because Coast Village District will permit all numerical lots in Coast Village to be buildable. There are a variety of lot sizes (from approximately 21,500 sq. ft. to 3,500 sq. ft. & one 1,300 sq. ft.) within the 42 acre property creating areas of differing densities to suit multiple interests and needs. Also, the Coast Village District, FCC 10-29-3, will permit a variety of single family housing types (site-built, manufactured homes, park models and recreational vehicles) to suit various permanent housing needs. The zoning change also permits year-round placement of self-contained mobile structures in a temporary capacity (no foundation, permanent plumbing and electricity) supporting a needed housing type.

4. The City shall implement policies and practices that insure equal housing opportunity for all the City's residents.

Finding: The proposal is consistent with this policy because the Coast Village District regulations, FCC 10-29-3, provide more housing opportunities (permanent and temporary dwellings) than previously offered. Previously only temporary self-contained mobile structures and single family structures (site built and multi-sectional manufactured homes) on lots at least 6,000 sq. ft. were permitted. The proposed expanded uses let someone convert from temporary use to retirement or a permanent dwelling later on the same lot. The Coast Village District regulations, FCC 10-29-3 make all numerical lots buildable for permanent dwellings, creating affordable housing options for both owner-occupied and rental. As of June 2011 the average sale price for the Florence area was \$177,700. During the same time-frame Coast Village's average sale price was \$61,600. These proposed code changes will increase the opportunity for first time home buyers to own a home and for retirees to down-size and maintain home ownership.

Chapter 12: Transportation

Policies

2. Vision clearance provisions shall be enforced.

Finding: Florence City Code Title 10 Chapter 35-2-13 requires 20' vision clearance at the intersection of two streets, 10' at the intersections of alleys or driveways and streets. *This item is placed in the issues section for PC decision and subsequent amendment of this finding.*

14. Streets shall be designed to efficiently and safely accommodate emergency service vehicles.

Finding: The streets in Coast Village are platted 20' wide (the entrances are wider) and constructed for one-way traffic with one exception, Driftwood St. which permits two-way traffic. Coast Village West has access onto Spruce Street and emergency access onto Highway 101. Coast Village East has one access

into and out of the development. Two emergency accesses are required for the east side to meet fire codes.

Florence Police Chief, Maurice Sanders states in his referral comments that the Coast Village roads meet their needs. Fire Marshall, Sean Barrett states in his referral comments that the Coast Village internal road system meets the code requirements for fire and emergency vehicle access. Mr. Barrett also states in his referral that he is working with Coast Village to resolve the need for a secondary access. He states that the lack of secondary access should not hold up the proposed zone change as the process will take time to resolve. He concludes that he will work with the Building Official to make sure public safety is maintained in Coast Village. Staff finds the proposal, based on these responses, to be consistent with this policy.

28. On-site parking for motor vehicles shall continue to be provided, unless another adopted City plan expressly provides otherwise.

Finding: The proposal is consistent with this policy because the Coast Village District regulations require the provision of at least one parking space on-site. The community center area also has guest parking available.

Chapter 13: Energy Facilities and Conservation

Policies

3. Energy conservation shall be one of the considerations when planning for transportation systems and land use density requirements.

Finding: The proposal is consistent with this policy because the Coast Village District regulations, FCC 10-29-3 make all numerical lots buildable thereby increasing density from 1.8 buildable lots per gross acre (excluding common area) to 6.5 buildable lots per gross acre (excluding common area). This opportunity creates infill within the city limits within an existing development thereby conserving land and resources.

Recommendations

9. The conservation, restoration, and rehabilitation of older buildings and neighborhoods should be encouraged.

Finding: The proposal is consistent with this recommendation because the proposed zoning code and map amendments encourage the rehabilitation and redevelopment of Coast Village. Coast Village was platted from 1970-1982 as campground lots. Overtime many of the recreational vehicle uses of the lots became year round residences. In the recent years several lots of legal buildable size have redeveloped with permanent housing. However, much of the housing stock is older and the city can expect over time the present housing to be upgraded due to these zoning changes.

Oregon Revised Statutes (ORS)

The procedures for quasi-judicial decisions and public hearings are set out in the Florence City Code, which has been acknowledged by DLCD and these local regulations effectively implement state law. The sections of State statute that relate to the proposed amendments are listed below with findings to address consistency with these State laws.

ORS 197.610: Local Government Notice of Proposed Amendment or New Regulation; Exceptions; Report to Commission.

(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.

Finding: The proposal is consistent with ORS 197.610 because notice to DLCD was sent on June 29, 2011; at least 45 days prior to the September 13, 2011 (first) Planning Commission public hearing and the notice contained the information required in this statute.

ORS 197.763: Conduct of Local Quasi-Judicial Land Use Hearings; Notice Requirements; Hearing Procedures.

The following procedures shall govern the conduct of quasi-judicial land use hearings conducted before a local governing body, planning commission, hearings body or hearings officer on application for a land use decision and shall be incorporated into the comprehensive plan and land use regulations:

Finding: The procedures for quasi-judicial land use hearings are set out in the Florence City Code, which has been acknowledged by DLCD and these local regulations effectively implement state law ORS 197.763. These procedures have been met as described in the criteria listed above, FCC 10-1-1-5, and are incorporated herein.

ORS 227.186: Notice to Property Owners of Hearing on Certain Zone Change; Form of Notice; Exceptions; Reimbursement of Cost.

(3) Except as provided in subsection (6) of this section, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof, or to adopt a new comprehensive plan, a city shall cause a written individual notice of a land use change to be mailed to each owner

whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.

Finding: The proposal is consistent with ORS 227.186 as it pertains to the proposed amendments to the Zoning Text and Map because:

On August 24, 2011 at least 20 days but not more than 40 days before the date of the Planning Commission hearing (first hearing) on the adopting ordinance to amend the zoning text and map, the City mailed a written individual notice of a land use change to the owners of each of the properties included in this part of the proposal; the notice was approved by the City; the notice contained the text required in ORS 227.186.

Statewide Planning Goals

Goal 1: Citizen Involvement [OAR 660-015-0000(1)]

- 3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.**

Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.

Finding: The proposal is consistent with Statewide Planning Goal 1 because the proposal was advertised in the Siuslaw News; notice was mailed to property owners of all affected properties; and citizens were given the opportunity to comment on the proposal in writing or in person at public hearings before the Planning Commission and City Council.

Goal 2: Land Use [OAR 660-015-0000(2)]

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

Finding: The proposal is consistent with Goal 2 because the Comprehensive Plan amendment is undertaken to address changing public circumstances related to a development approved 40 years ago. Citizens and affected governmental units have been provided an opportunity for review and comment on the proposal.

Goal 10: Housing [OAR 660-015-0000(10)]

To provide for the housing needs of citizens of the state: Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

5. Additional methods and devices for achieving this goal should, after consideration of the impact on lower income households, include, but not be limited to: (3) zoning and land use controls;

Finding: The proposal is consistent with Goal 10 because the new zoning district proposes to implement the medium density plan designation which does not negatively impact the supply of residential land in the urban area. The proposed amendments will make all of the lots within Coast Village buildable, permit a diverse range of mobile housing styles and continue to permit recreational housing use. Most lots within Coast Village are less than 6000 sq. ft and thereby better matching the lot sizes listed for medium density. These zoning changes provide needed housing units and smaller lots at lower prices thereby providing much needed affordable housing options for the Florence community.

VIII. CONCLUSION

The proposed amendments to the Florence City Code Title 10, zoning text and map are consistent with the applicable criteria in the Florence City Code, Florence Realization 2020 Comprehensive Plan, Statewide Planning Goals and Oregon Revised Statutes.

IX. ALTERNATIVES

1. Continue the hearing to a date and time certain in order to gather additional information.
2. Close the public hearing and keep the written record open to a date and time certain, postponing deliberations to a future meeting.
3. Close the public hearing and deliberate or postpone deliberations to a future meeting.
4. Close the public hearing and adopt the resolution for approval as presented.
5. Close the public hearing and adopt the resolution for approval with any modifications of the Planning Commission.
6. Close the public hearing and leave the existing Comprehensive Plan, zoning code, and zoning map unchanged.

X. EXHIBITS






- A. *[Placeholder for Findings of Fact]*
- B. Amendments to Zoning Map
- C. Amendments to FCC Title 10 Chapter 1, Zoning Administration
- D. Amendments to FCC Title 10 Chapter 2, General Zoning Provisions
- E. Amendments to FCC Title 10 Chapter 12, Mobile Home/Manufactured Home Regulations
- F. Amendments to FCC Title 10 adding Chapter 29, Coast Village District
- G. Amendments to Florence Realization 2020 Comprehensive Plan, Chapter 2
- H. Comment from Maurice Sanders, Chief of Police, City of Florence (8-23-11)
- I. Comment from Agnes Castronuevo, Tribal Historic Preservation Officer, Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (8-30-11)
- J. Comment from Sean Barrett, Fire Marshall, Siuslaw Valley Fire & Rescue (9-1-11)
- K. Comment from Warren Scherich, Coast Village Resident (8-31-11)
- L. Comment from Tom Nicholson, Attorney for Coast Village HOA (9-1-11)
- M. Subdivision Plat: Coast Village, dated July 31, 1970
- N. Subdivision Plat: Coast Village First Addition, dated November 25, 1970
- O. Subdivision Plat: Coast Village Second Addition, dated March 10, 1972
- P. Subdivision Plat: Coast Village Third Addition, dated March 7, 1975
- Q. Subdivision Plat: Coast Village Fourth Addition, dated May 4, 1982
- R. Coast Village Lots with Approximate Sq. Ft.
- S. Coast Village Development Inventory Map
- T. Record of Survey Lot 59, BLK 2, Coast Village 2nd Addition (Easy St. Encroachment)

P:\Community Development 2\All Post-2007 LU Decisions\Zoning Code Text Amendments\PC 11 08 ZC 02 and PC 11 09 TA 01 Coast Village\PC - Sept 13 hearing\Hearing Exhibits\A-PC Findings Recommendation.DOC

City of Florence
**Proposed
 Coast Village Zoning**

Zoning Districts


Residential

-  Restricted
-  Single-Family
-  Mobile Home/
Manufactured Home
-  Multi-Family
-  Coast Village


Commercial

-  Commercial
-  Highway


Industrial

-  Limited Industrial

Other

-  Open Space
-  City Limits
-  UGB

**Proposed Rezone
 from Single-Family
 Residential and
 Highway Commercial
 to Coast Village
 District**


City of Florence
 Community Development Department
 250 Hwy 101 N.
 Florence, OR 97439
 (541) 997-8237
 June 17, 2011

0 0.25 0.5
 Miles

Financial assistance for this map and the data contained was provided in part by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Management Program, Department of Land Conservation and Development.

Property lines shown on this map have been gathered from various sources and generally reflect tax lot lines. These lines do not necessarily correspond to legal buildable lots. Prior to making any decisions about a property, it is advised that you check with the City regarding the status of the lot.

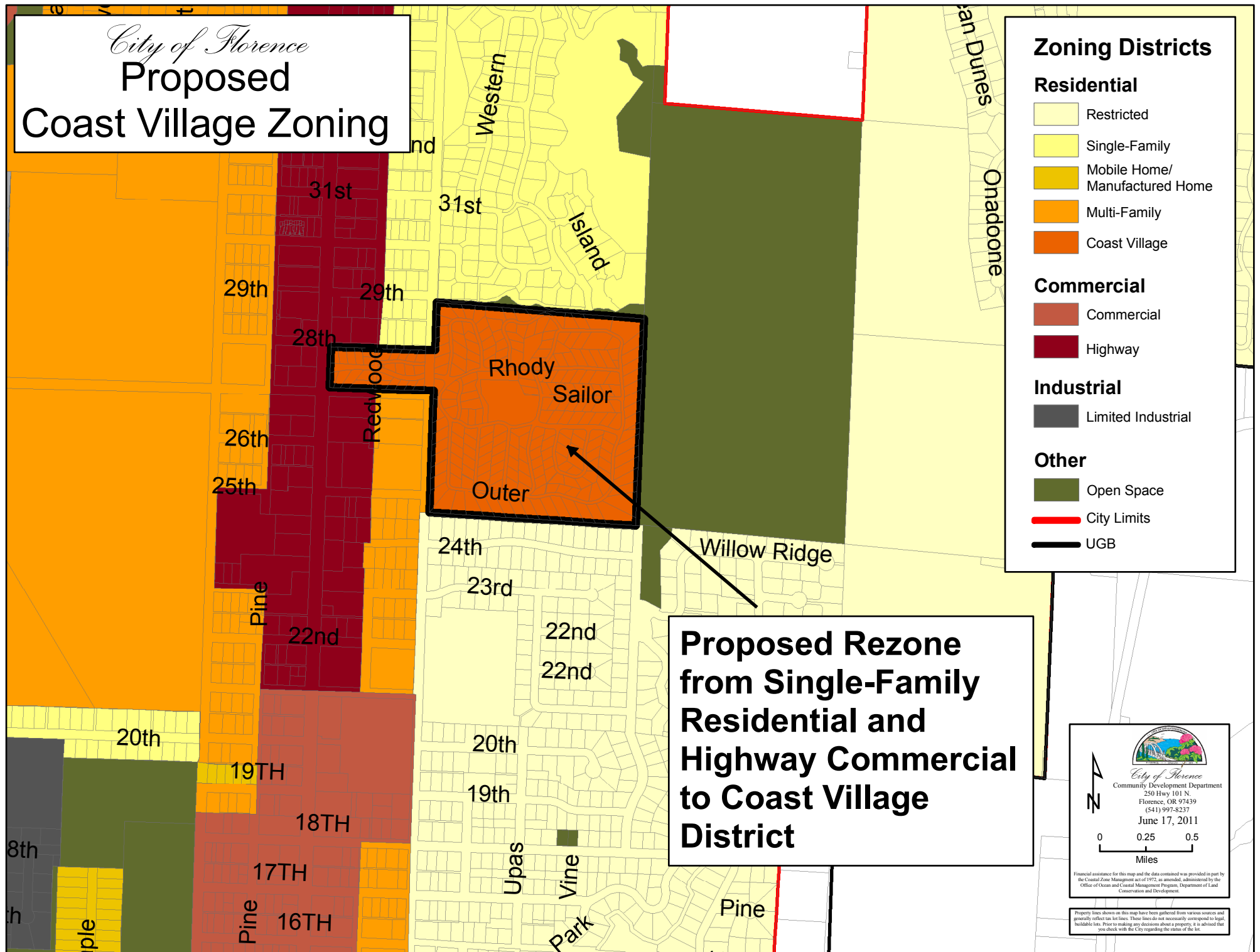


Exhibit C
Resolution PC 11 08 ZC 02 & PC 11 09 TA 01

TITLE 10
CHAPTER 1

ZONING ADMINISTRATION

SECTION:

10-1-4: Definitions

RECREATIONAL
VEHICLE

A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes [\(except as permitted in Coast Village District\)](#) and has floor space of less than 220 square feet, excluding built-in equipment, such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

Exhibit D
Resolution PC 11 08 ZC 02 & PC 11 09 TA 01

TITLE 10
CHAPTER 2

GENERAL ZONING PROVISIONS

SECTION:

- 10-2-1: Conformance and Permits
- 10-2-2: Similar Uses
- 10-2-3: Building Setback Requirements
- 10-2-4: Height
- 10-2-5: Completion of Buildings
- 10-2-6: Who May Apply
- 10-2-7: Contract Purchasers Deemed Owners
- 10-2-8: Guarantee of Performance
- 10-2-9: [Mobile Homes and Pre-manufactured Housing Siting Emergency Housing](#)
- 10-2-10: Public Uses
- 10-2-11: Exemption From Partitioning Requirements
- 10-2-12: Uses and Activities Permitted in All Zones

10-2-9: ~~MOBILE HOMES AND PREMANUFACTURED HOUSING:~~ ~~The definitions, standards and provisions of the mobile home regulations of the City may be applied to all mobile homes and pre-manufactured housing, as applicable. (Ord. 625, 6-30-80)~~

SITING EMERGENCY HOUSING: In the event of a disaster situation, the City Council may designate sites or allow the siting of RVs, motorhomes, park models, and similar self-contained mobile structures in areas in which these uses were previously excluded, to provide housing on a temporary basis for disaster victims until said conditions have been alleviated.

Exhibit E
Resolution PC 11 08 ZC 02 & PC 11 09 TA 01

TITLE 10
CHAPTER 12

MOBILE HOME/MANUFACTURED HOME REGULATIONS

SECTION:

- 10-12-1: Mobile Home/Manufactured Home Residential District (RMH)
- 10-12-1-1: Administrative Provisions
- 10-12-1-2: Design Standards
- 10-12-1-3: Building and Uses Permitted Conditionally
- 10-12-1-4: Lot and Yard Requirements
- 10-12-1-5: Site and Development Provisions
- 10-12-2: Mobile Home/Manufactured Home Regulation
- 10-12-2-1: Administrative Provisions
- 10-12-2-2: Definitions
- ~~10-12-2-3: Mobile Home/Manufactured Home Restrictions Deleted~~
- 10-12-3: Mobile Home/Manufactured Home Parks
- 10-12-3-1: Administrative Provisions
- 10-12-3-2: Design Standards
- 10-12-3-3: Site and Development Plan
- 10-12-3-4: Development Plan Procedure
- 10-12-3-5: Mobile Home/Manufactured Home Park License
- 10-12-3-6: Basic Regulations and Provisions
- 10-12-3-7: Park Administration

~~**10-12-2-3: MOBILE HOME/MANUFACTURED HOME RESTRICTIONS:**~~

~~A. Permitted Locations: Unless otherwise provided herein, upon compliance with applicable regulations and processes, mobile homes/manufactured homes for dwelling purposes shall be permitted only in:~~

- ~~1. Licensed and approved mobile home/manufactured home parks.~~
- ~~2. Approved mobile home/manufactured home subdivisions.~~
- ~~3. Approved planned unit developments.~~
- ~~4. Mobile Home/Manufactured Home Residential Districts (HR).~~

~~B. Temporary Location: In the event of a disaster situation, the City Council may designate sites or allow the siting of mobile homes/manufactured homes in areas in which mobile homes/manufactured homes were previously excluded, to provide housing on a temporary basis for disaster victims until said conditions have been alleviated. (Ord. 614, 9-10-79)~~

Exhibit F
Resolution PC 11 08 ZC 02 & PC 11 09 TA 01

TITLE 10
CHAPTER 2937

COAST VILLAGE DISTRICT (CV)

SECTION:

- 10-37-1: Purpose
- 10-37-2: Definitions
- 10-37-3: Permitted Buildings and Uses
- 10-37-4: Prohibited Buildings and Uses
- 10-37-5: Lot and Yard Provisions
- 10-37-6: Site Development Provisions

10-2937-1: PURPOSE: The Coast Village District is intended to provide a quality environment for residential uses and other compatible land uses within the Coast Village development. Coast Village began as a campground and has evolved into a residential community that accommodates permanent and seasonal residents; it is a unique residential community that allows a blend of recreational vehicles and conventional single-family homes, surrounded by greenbelt buffers between each lot to maintain a park-like setting. Coast Village development is self-governed by a homeowners association.

10-2937-2: DEFINITIONS:

Greenbelt: An area on a lot extending five feet (5') from the side and rear property lines for "natural vegetation" to grow, to serve as a visual screen and to protect privacy between adjacent lots.

Height: The height of a structure is the vertical distance between the average finished grade at the base of the structure to the peak or crest of the roof of the structure.

Lot: Numerical lots as platted including both alphabetical lots combined with adjoining numerical lots and property line adjustments recorded by the effective date of this chapter. Does not include Lot 4, Block 1, Coast Village (Coast Village Homeowners Association Owned).

Natural Vegetation: Vegetation indigenous to the Florence region or other drought-tolerant species, which includes: Shore Pine, Fir, Hemlock, Spruce, Cedar, Rhododendron, Wax Myrtle, Manzanita, Madrone, Kinnikinic~~Kinikine~~ and Salal or as provided for in the City's plant list.

Permanent Dwelling: Site-built single-family dwelling; manufactured home, modular home, or other pre-manufactured home (no minimum floor area size); or self-contained mobile structure such as park models, recreational vehicles and motor homes that cannot be easily driven or pulled from the site. Permanent dwellings may be occupied year-round or less.

Screening or Buffering: Screening or buffering shall consist of sight-obscuring natural vegetation at least six feet (6') high, except as required by vision clearance.

Temporary Dwelling: Self-contained mobile structure such as park model, recreational vehicle and motor home that can easily be driven or pulled from the site (i.e. wheels and tongue still attached). There shall be no obstructions that would prevent the easy removal of the structure. Obstructions include but are not limited to: attached accessory structures, accessory structures placed to block the self-contained mobile structure, in-ground vegetation or landscaping, retaining or landscaping walls, foundation, hard-wired utilities, and hard-piped utilities. Temporary structures may be occupied year-round or less.

10-~~2937~~-3: PERMITTED BUILDINGS AND USES:

A. Residential Uses, Permanent Structures

1. Site-built single-family dwellings.

2. Mobile homes, manufactured homes, modular homes or other pre-manufactured homes, including but not limited to single-wides, placed on a secure foundation, hard-piped and hard-wired.

3. Motor homes, Recreational Vehicles, Park Models or other self-contained mobile structures with wheels and tongue (if any) removed, placed on a secure foundation, hard-piped and hard-wired.

B. Recreational Uses, Temporary Structures

1. Motor homes, Recreational Vehicles, Park Models or other self-contained mobile structures, with wheels and tongue (if any) remaining on the structure and free from impediments to leave the site.

A. One permanent or temporary dwelling per lot.

B. Guests may stay in an additional self-contained mobile structure for up to six (6) months in any twelve-month (12) period.

C. Accessory structures such as ramadas, cabanas, patio slab, carport or garage and storage buildings, when placed on a lot used for A above.

D. Gardens and greenhouses for the raising and harvesting of fruit, vegetables and flowers for noncommercial use.

E. Recreation and community facilities for use of Coast Village residents or guests and management staff.

F. Home occupations that do not require customer roadway traffic within Coast Village.

10-~~2937~~-4: PROHIBITED BUILDINGS AND USES:

A. Two or more dwelling units that are occupied more than six (6) months in any twelve (12) month period.

A. Accessory Dwelling Units.

10-~~2937~~-5: LOT AND YARD PROVISIONS:

A. Minimum Lot Dimensions: As-platted.

B. Minimum Lot Area: As-platted.

A. No partitions or lot line adjustments are allowed.

GB. Lot Coverage: The maximum coverage by all enclosed structures shall not exceed thirty five percent (35%) of the lot area. The maximum coverage by all impervious areas, including all structures and paved surfaces (excepting platted private streets and roads encroaching on private property) shall not exceed sixty five percent (65%) of the lot area.

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

1. Front Yards: All dwellings and structures shall be set back at least twenty feet (20') from the front property line unless the street pavement encroaches onto the lot, then the structure shall be set back 20 feet from the pavement.
2. Side Yards: A greenbelt buffer of not less than five feet (5') shall be maintained on each side of the lot. All dwelling units shall be set back not less than eight feet (8') from the side property line, and a three foot (3') clearance shall be maintained between the greenbelt and dwelling for fire safety. Non-residential accessory structures shall be set back not less than five feet (5') from the side property line.
3. Rear Yards: A greenbelt buffer of not less five foot (5') shall be maintained on the rear yard of a lot. All dwelling units shall be set back not less than ten feet (10') from the rear property line, and a three foot (3') clearance shall be maintained between the greenbelt and dwelling for fire safety. Non-residential accessory structures shall be set back not less than five feet (5') from the rear property line.
4. Propane Tank Setbacks: Unless otherwise stipulated by the fire code, propane tanks shall be set back not less than three feet (3') from all greenbelts and vegetation.

10-~~2937~~-6: SITE DEVELOPMENT PROVISIONS:

- A. Building or Structural Height Limitations: All structures are limited to a single story and shall not exceed sixteen feet (16') in height.
- B. Fences: Coast Village development perimeter fencing shall comply with Code Section 10-34-5 of this Title.
- C. Vision Clearance: Refer to Section 10-1-4 and 10-35-2-13 of this Title for definition, and requirements.
- D. Off-street Parking: ~~Residential-Dwellings~~dwellings shall have at least one (1) permanent parking space on-site. Such a parking space area, garage or carport shall provide for the ingress and egress of a standard size automobile at least nineteen feet long and nine and one-half feet wide (19' x 9 1/2'). The required on-site parking space may be uncovered and gravel driveways and parking spaces are allowed. Regular off-street parking is allowed within the front yard setback. These requirements supersede any conflicting requirements in Section 10-3 of this Title.
- E. Signs: Signs shall be in accordance with Title 4, Chapter 7 of this Title.
- F. Landscaping: A five foot (5') greenbelt buffer consisting of natural vegetation shall be maintained on the side and rear yards of a lot in order to provide screening and privacy between adjacent lots. The green belt buffer shall consist of sight-obscuring natural vegetation at least six feet (6') high.
- G. Applicable Building and Fire Codes shall be met.

Exhibit G
Resolution PC 11 08 ZC 02 & PC 11 09 TA 01

FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN, APRIL 2011
CHAPTER 2

LAND USE

Residential Plan Designation Categories and Background

Medium Density Residential

The Medium Density Residential designation is intended for areas where existing lot sizes are in the neighborhood of 5,000 – 6,500 square feet, and for the majority of developable land remaining in the City, as well as urbanizable lands east of Highway 101. The corresponding zoning districts ~~is~~ are Single Family Residential and Coast Village. Single family homes and manufactured homes meeting certain minimum standards are allowed. Self-contained mobile structures are permitted in the Coast Village District. Duplexes are a conditional use in the Single Family Residential District.

From: Maurice Sanders
Sent: Tuesday, August 23, 2011 8:05 AM
To: Wendy Farley
Subject: FW: Coast Village -- Zone Change
Wendy,

Here is the input from the Police Department in regard to the proposed Zone Change. I would be more interested in the Western Lane Ambulance and Siuslaw Fire and Rescue's input in this proposed change as they have larger equipment than the police department.

Maury

Maurice K. Sanders, Chief of Police
900 Greenwood Street
Florence, Oregon 97439

(Office) 541 997-3515
(Fax) 541 997-4104
(Email) maurice.sanders@ci.florence.or.us
(Website) www.florencepolice.net

"A pessimist sees the difficulty in every opportunity; an optimist sees the opportunity in every difficulty." - Sir Winston Churchill

PUBLIC RECORDS LAW DISCLOSURE: This email is a public record of the City of Florence and is subject to public inspection unless exempt from disclosure under Oregon Public Records Law. This email is also subject to the City's Public Records Retention Schedule.

From: John Pitcher
Sent: Monday, August 22, 2011 6:12 PM
To: Maurice Sanders
Cc: Ray Gutierrez; Harry Johnson
Subject: RE: Coast Village -- Zone Change

Chief

The roads are sufficient for our needs. The vast majority of the properties have a pole at the front of the driveway that have the house # on it, which I think works well for us. Driving thru there were a few that the pole was missing or the numbers were not readable, but most are marked.

John P.

From: Maurice Sanders
Sent: Monday, August 22, 2011 9:13 AM
To: Harry Johnson; John Pitcher
Cc: Ray Gutierrez; Wendy Farley
Subject: FW: Coast Village -- Zone Change

Harry/John,

Are the roads in Coast Village sufficient for police vehicles to operate in the entire gated community? Are addresses readily visible and on all properties?

Thank you.

Maury

Maurice K. Sanders, Chief of Police
900 Greenwood Street



**CONFEDERATED TRIBES OF
COOS, LOWER UMPQUA AND SIUSLAW INDIANS
TRIBAL GOVERNMENT OFFICES**

1245 Fulton Ave. • Coos Bay, OR 97420 • (541) 888-9577 • 1-888-280-0726
General Office Fax: (541) 888-2853 • Administration Fax: (541) 888-0302

August 30, 2011

Wendy Farley
Senior Planner
City of Florence
250 Highway 101
Florence, OR 97439
541-997-8237
Via Email wendy.farley@ci.florence.or.us

Re: *Proposed amendments to the Florence City Code (FCC) to create a new zoning district for Coast Village. Files PC 11 08 ZC 02 & PC 11 09 TA 01*

Dear Ms. Pezley,

Based on the description of the proposed work provided in the applicant's request, the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians have no objections to the proposal to create a new zoning district. Please be aware that the proposed area is in proximity to known cultural resource sites and so may contain as yet undiscovered cultural resources. In accordance with ORS 390.910 and federal law 36 CFR 800.13 (as applicable), we request that we be contacted immediately if any known or suspected cultural resources are encountered during any phase of the work.

Please also be aware that state laws ORS 358.920 and ORS 390.235(1) (a) and federal law 43 CFR 7.4(a) prohibit intentional excavation of known or suspected cultural resources without an archaeological permit and require that we be notified immediately if resources are discovered, uncovered, or disturbed. Federal law 43 CFR 10.3 and ORS 97.745 prohibits the willful removal, mutilation, defacing, injury, or destruction of any cairn, burial, human remains, funerary objects, or objects of cultural patrimony of any native Indian. ORS 358.920 prohibits excavation, injury, destruction, or alteration of an archaeological site or object; or removal of an archaeological object from public or private lands.

Please feel free to contact me if I may be of any further assistance.

Sincerely,

Agnes F. Castronuevo
Tribal Historic Preservation Officer / Archaeologist

CC: Files



Siuslaw Valley Fire and Rescue

2625 Highway 101 North
Florence, OR 97439-9702
(541) 997-3212

September 1, 2011

City of Florence
Planning Department
Wendy Farley
250 Hwy 101
Florence, OR 97439

RE: Coast Village fire and life safety

Dear Ms. Farley,

1. On August 24, 2011 I conducted a fire flow test of all of the Coast Village fire hydrants and water mains. I wanted to let you know that all of Coast Village's water system does meet current fire code requirements.
2. Another issue that has come to light is the need for a secondary emergency vehicle access. This is required by code. I want to let you know that even though this has not been accomplished as of yet, I have been working with Coast village to get this resolved. I have had excellent cooperation from the Board on this matter. This should in no way hold up the proposed zone change. This process may take time to resolve.
3. The internal road system of Coast village meets our and code requirements for emergency vehicle access for both fire and EMS.
4. Addressing is adequate. I will be working with the Board to make sure that all lots have visible address.

From a fire and life safety standpoint emergency services are satisfied with Title 10, Chapter 37, with the agreed upon requirements between the fire district and Coast Village in regards to the secondary access. Both the City Building Official and Fire Code Official will work closely together to make sure public safety is maintained in Coast Village.

Should you have any questions or concerns, please do not hesitate to contact me.

SIUSLAW VALLEY FIRE AND RESCUE

SEAN P. BARRETT
Fire Marshal

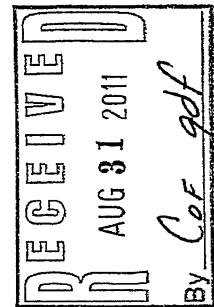
Exhibit J

Warren H. Scherich
PO Box 817 (Lot 158, Block 2 Lot 15, Coast Village)
Florence, Oregon 97439

August 27, 2011

Wendy Farley
Community Development Dept., City of Florence
250 Highway 101, Florence, Oregon 97439

Dear Wendy:



Thank you for your letter regarding the re-zoning of Coast Village. From your letter I went onto the internet and made a copy of the map (well done), and Exhibit B.

In reference to "10-37-5" it reads: "LOT AND YARD PROVISIONS:" "A. Minimum Lot Dimensions: As platted" and "B. Minimum Lot Area: As platted."

I suggest we add, in both A and B, after "platted" or as developed. Thus they would read as follows:

- A. Minimum Lot Dimensions, As platted or As Developed.
- B. Minimum Lot Area, As platted or As Developed.

The reasons for this addition are: (1) Over half of the lots have NEVER BEEN FULLY SURVEYED. (2) When developing the park the road was located as convenient – I talked with one man who was on this work crew and he said they basically were told "don't worry about being exact, just get them in as easily as possible.-After all it's just a camp ground." - This resulted in some streets, and lots, being as much as 10 to 20 feet, or more, off. This affects just about every lot in Coast Village.

PAGE 2 OF LETTER TO Wendy Farley dated 8-27-011

A few years back I talked with the state about this and they said to the effect that we live with it or make the major changes to comply with "AS PLATTED". That would mean relocating all the streets, moving all utilities, and doing any other changes necessary to be "as platted".

"As platted means that the development be surveyed, all streets, lots, and utilities, etc. will be located as shown on the plat (map). {And as you know "located as platted", is not how Coast Village was developed.}

I am not an attorney, - but it seems to me that by adding "Or as developed" would lessen the possibilities of legal action against Coast Village and the City of Florence, and make it easier for compliance as required by zoning.

I have been asked several times why someone hasn't brought a legal suit against the Board of Directors of Coast Village as well as the City of Florence for allowing Cost Village to be developed without compliance to "As Platted.":

I am giving all Board of Directors of Coast Village, and Tom Nicholson (Coast Village's attorney), a copy of this letter

If there is anything I can do to help get this done please let me know.

Sincerely

Warren S.

Wendy Farley

From: Thomas Nicholson [tnicholson@nicholsonlaw.biz]

Sent: Thursday, September 01, 2011 9:51 AM

To: Wendy Farley

Cc: 'John Mawhinney'

Subject: Coast Village District

1. Per our meeting of August 29, 2011 and our telephone conversation of this morning, Coast Village is requesting that vision clearance requirements under proposed 10-32-6 C be reduced from the standard 20' to 10' due to the 10 mph speed limit and the narrow streets in all of Coast Village. It is my understanding both police and fire department personnel have no objection to this 10' vision clearance request.

2. Please email me a draft of the proposed Coast Village District as soon as you have the draft prepared. Thank you for your continuing efforts on this project.

Thanks,

Tom

Thomas C. Nicholson
552 Laurel St.
P.O. Box 308
Florence, OR 97439
(541) 997-7151
(541) 997-7152 fax
tnicholson@nicholsonlaw.biz
OSB#813265

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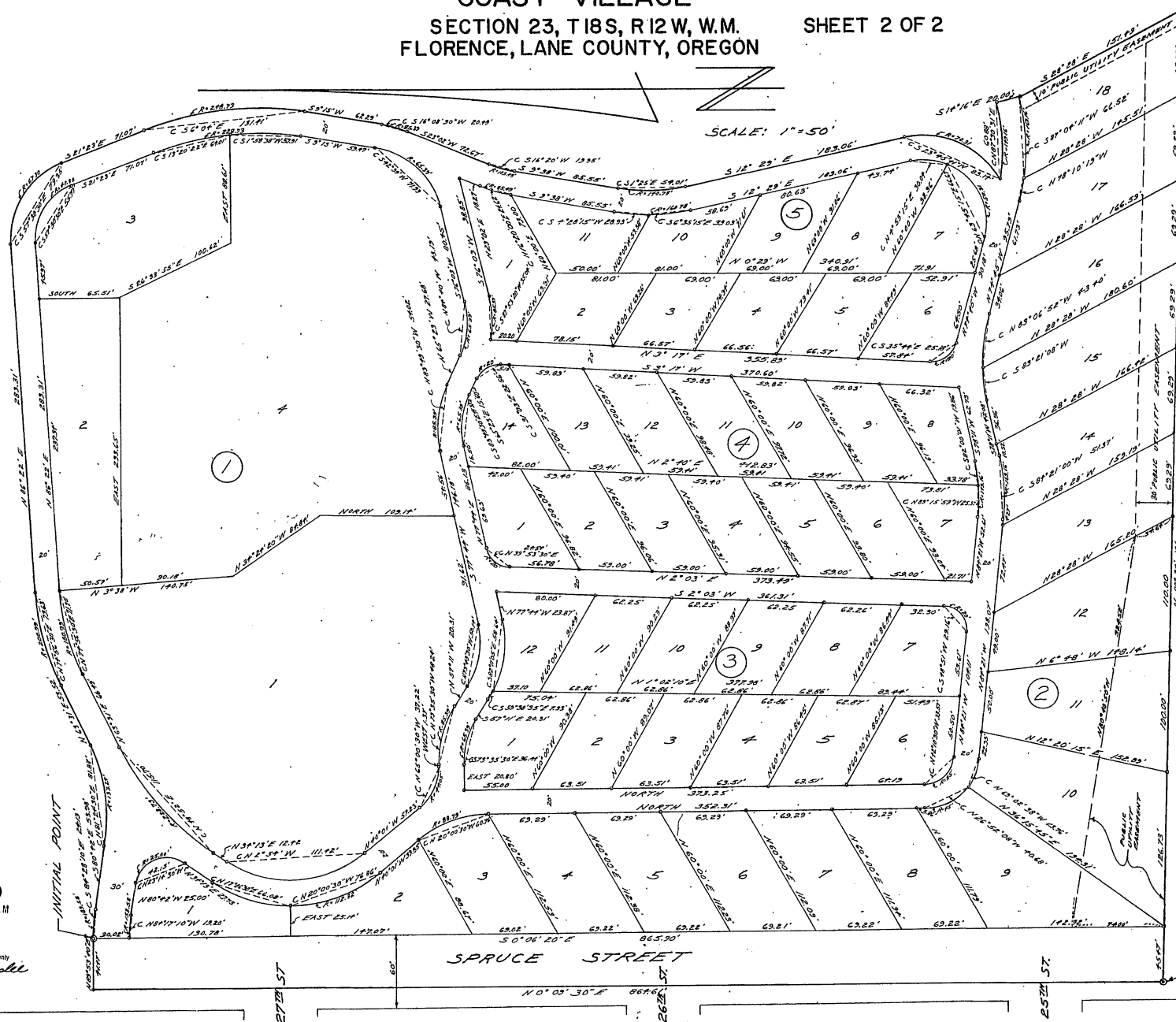
IRS CIRCULAR 230 Notice

To the extent that this message or any attachment concerns tax matters, it is not intended to be used and cannot be used by a taxpayer for the purpose of avoiding penalties that may be imposed by law

COAST VILLAGE
SECTION 23, T18S, R12W, W.M.
FLORENCE, LANE COUNTY, OREGON

SHEET 2 OF 2

SCALE: 1"=50'



STATE OF OREGON SS
I, the County Clerk of Lane County, Oregon, do hereby certify that this is a true and correct copy of the original plat of land in the County of Lane, Oregon, as the same appears in the public records of said County.
WITNESS my hand and the seal of said County, this 12th day of August, 1970.
DAVID R. KELLE
COUNTY CLERK

NOTE: ALL INTERIOR ROADS TO BE PRIVATE

SW CORNER, NEW SW 1/4, SEC 23, T18S, R12W, W.M.

NOTARY PUBLIC FOR OREGON MY COMMISSION EXPIRES 4/25/82

FILED
AT 0'CLOCK M

AUG 12 1970

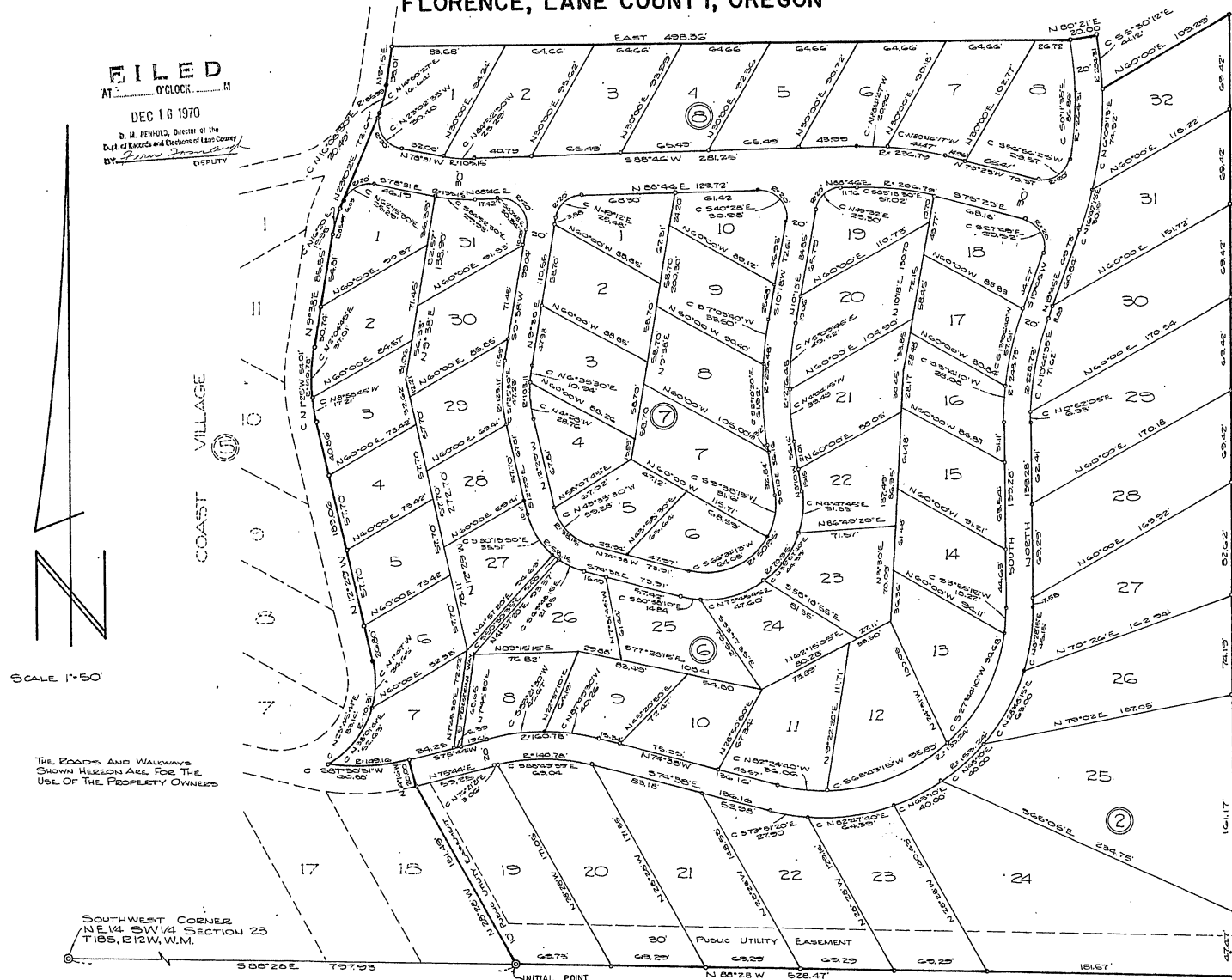
D. W. Kelle, Director of the
Dept. of Land and Forests, Lane County
BY: David R. Kelle
DEPUTY

COAST VILLAGE FIRST ADDITION

SECTION 23, T18S, R12W, W.M.

FLORENCE, LANE COUNTY, OREGON

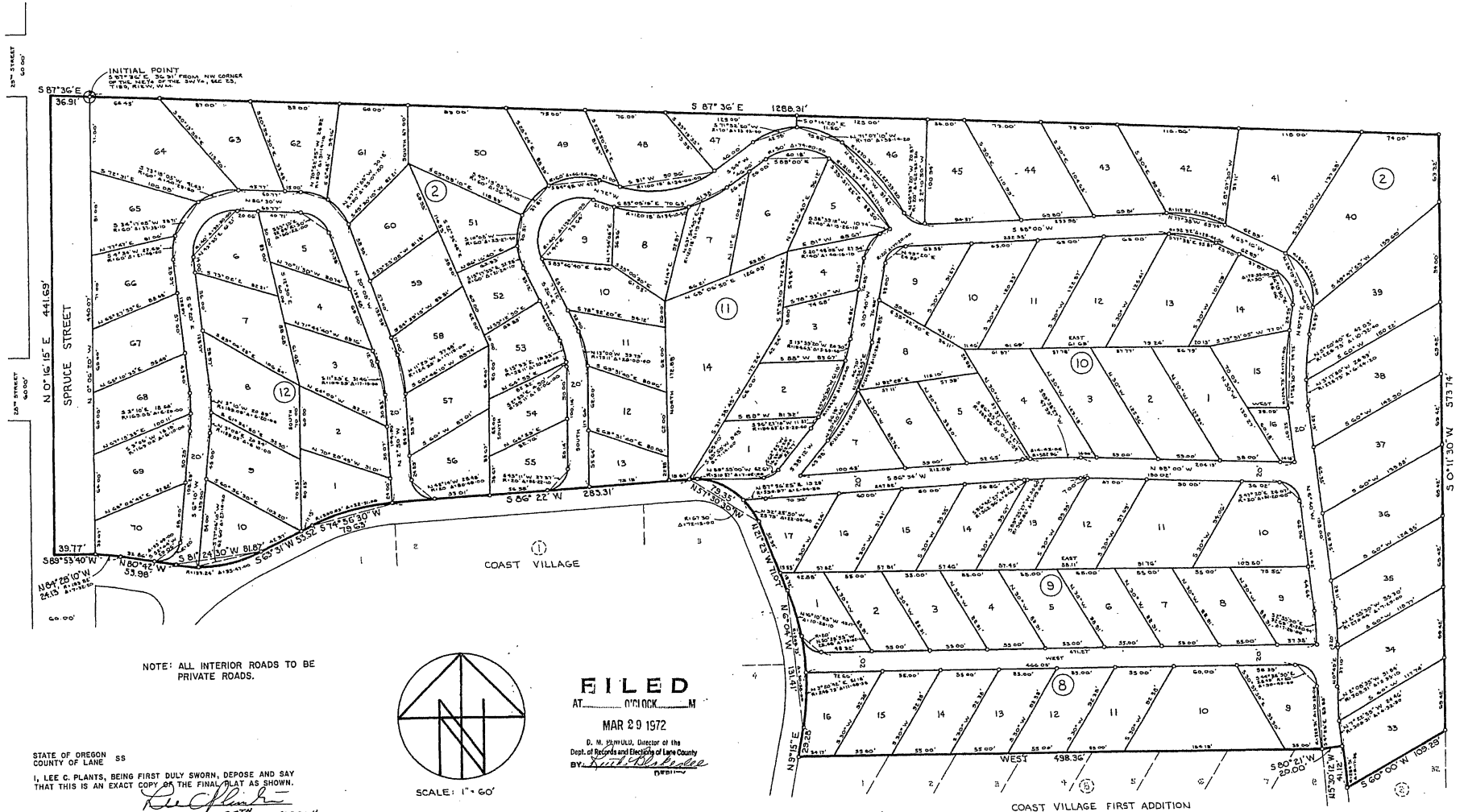
SHEET 2 OF 2



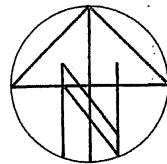
COAST VILLAGE SECOND ADDITION

SECTION 23, T18S, R12W, W.M.
FLORENCE, LANE COUNTY, OREGON

SHEET 2 OF 2



NOTE: ALL INTERIOR ROADS TO BE PRIVATE ROADS.



FILED

AT OREGON MAR 29 1972

D. M. CHAMBERLAIN, Director of the
Dept. of Records and Elections of Lane County
BY: *Kurt R. Stadel*

STATE OF OREGON SS
COUNTY OF LANE

I, LEE C. PLANTS, BEING FIRST DULY SWORN, DEPOSE AND SAY
THAT THIS IS AN EXACT COPY OF THE FINAL PLAT AS SHOWN.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 20th DAY OF MARCH 1972.
Lee C. Plants
NOTARY PUBLIC FOR OREGON MY COMMISSION EXPIRES May 18, 1975

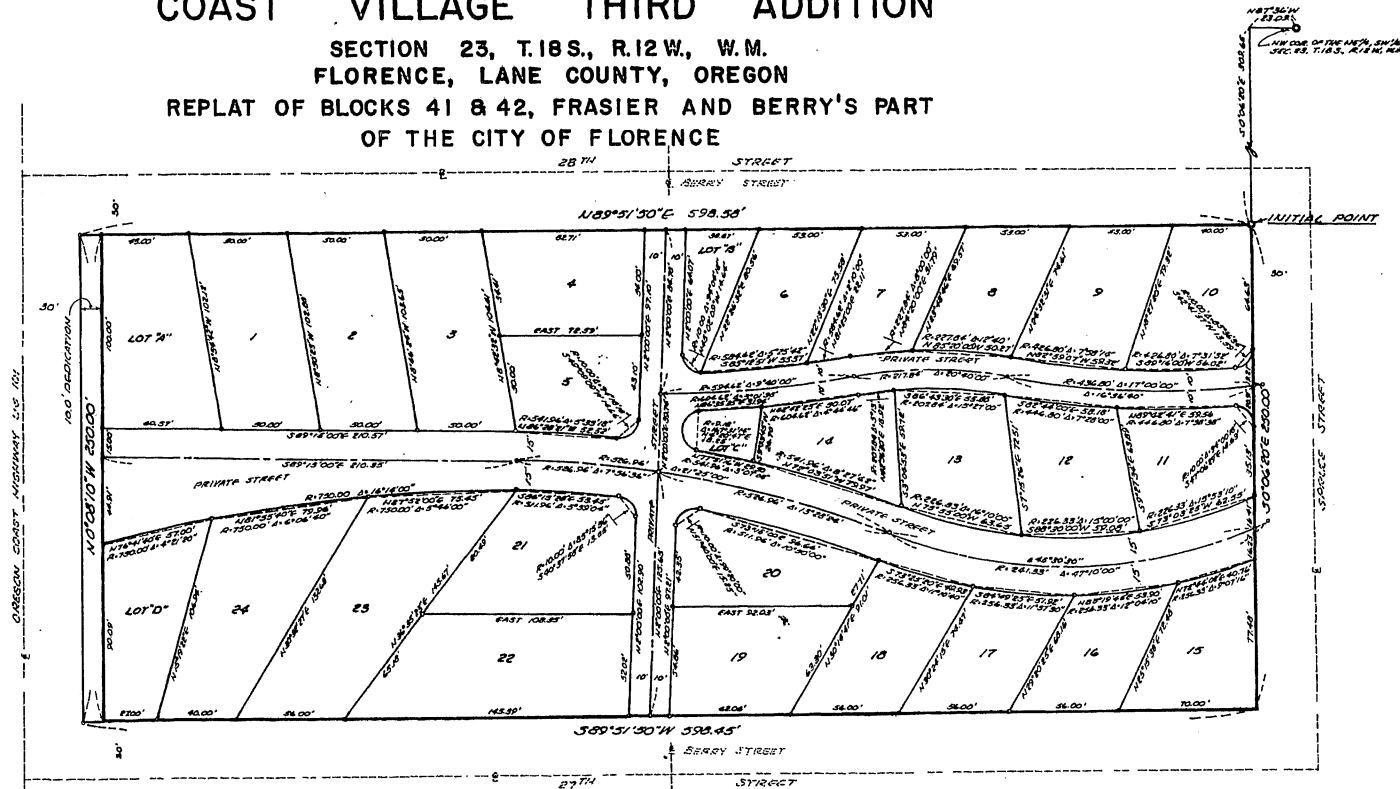
Exhibit O

1972

COAST VILLAGE THIRD ADDITION

SECTION 23, T.18S., R.12W., W.M.
FLORENCE, LANE COUNTY, OREGONREPLAT OF BLOCKS 41 & 42, FRASIER AND BERRY'S PART
OF THE CITY OF FLORENCEState of Oregon) SS
County of Lane)I, Lee C. Plants, being first duly sworn,
depose and say that this is an exact copy of
the final plat as shown.Subscribed and sworn to before me this 7th
day of March, 1975.
Notary Public of Oregon My commission
expires 11-1-78

SCALE: 1" = 40'

SURVEYORS CERTIFICATE: State of Oregon) SS
County of Lane)

I, Lee C. Plants, a registered professional engineer, being first duly sworn on oath say that I have caused to be surveyed and marked with proper monuments the following described plat; Beginning at the Initial Point which is marked by a 2" x 36" galvanized iron pipe driven 6" below the surface of the ground, said Initial Point being North 87°36'00" West 23.09 feet and South 0°06'20" East 309.65 feet from the Northwest corner of the Northeast one-quarter of the Southwest one-quarter of Section 23, Township 18 South, Range 12 West, Willamette Meridian; Thence South 0°06'20" East 250.00 feet, thence South 89°51'50" West 598.45 feet to a point on the East margin of U.S. Highway 101, thence along said East margin North 0°08'10" West 250.00 feet, thence North 89°51'50" East 598.58 feet to the Initial Point of Beginning in Lane County, Oregon.
Containing 3.37 acres, more or less.

Subscribed and sworn to before me this 21st day of JUNE, 1974.
Lee C. Plants, P.E.

Subscribed and sworn to before me this 21st day of JUNE, 1974.

NOTE: All interior streets are private streets.



Sharon M. Smith
SHARON M. SMITH
Notary Public-Oregon
My Commission Expires 2-5-77

Sharon M. Smith
SHARON M. SMITH
Notary Public-Oregon
My Commission Expires 2-5-77

DEDICATION:

Know all men that Century Park, Inc., an Oregon Corporation, is the owner of the above described property and does hereby layout and subdivide the same as shown on the annexed plat and does hereby dedicate to the public forever the street (U.S. 101) as shown on this plat.

CENTURY PARK, INC.

Ted R. Simmonau, Pres.
Carl Christensen, Sec.

ACKNOWLEDGEMENT: State of Oregon) SS
County of Lane)

Personally appeared Ted R. Simmonau and Carl Christensen, who being duly sworn say that they are the president and secretary, respectively, of Century Park, Inc., an Oregon Corporation, that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that the same instrument was signed and sealed in behalf of said corporation by the above named officers, and they acknowledge said instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 21st day of JUNE, 1974.

APPROVALS:

County Commissioner Frank A. Elliott
County Commissioner Nancy M. Hayward
County Commissioner Robert E. Wood
County Assessor Kenneth J. Bylund
County Surveyor Lawrence B. Olson

Florence City Planning Commission

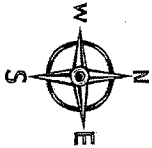
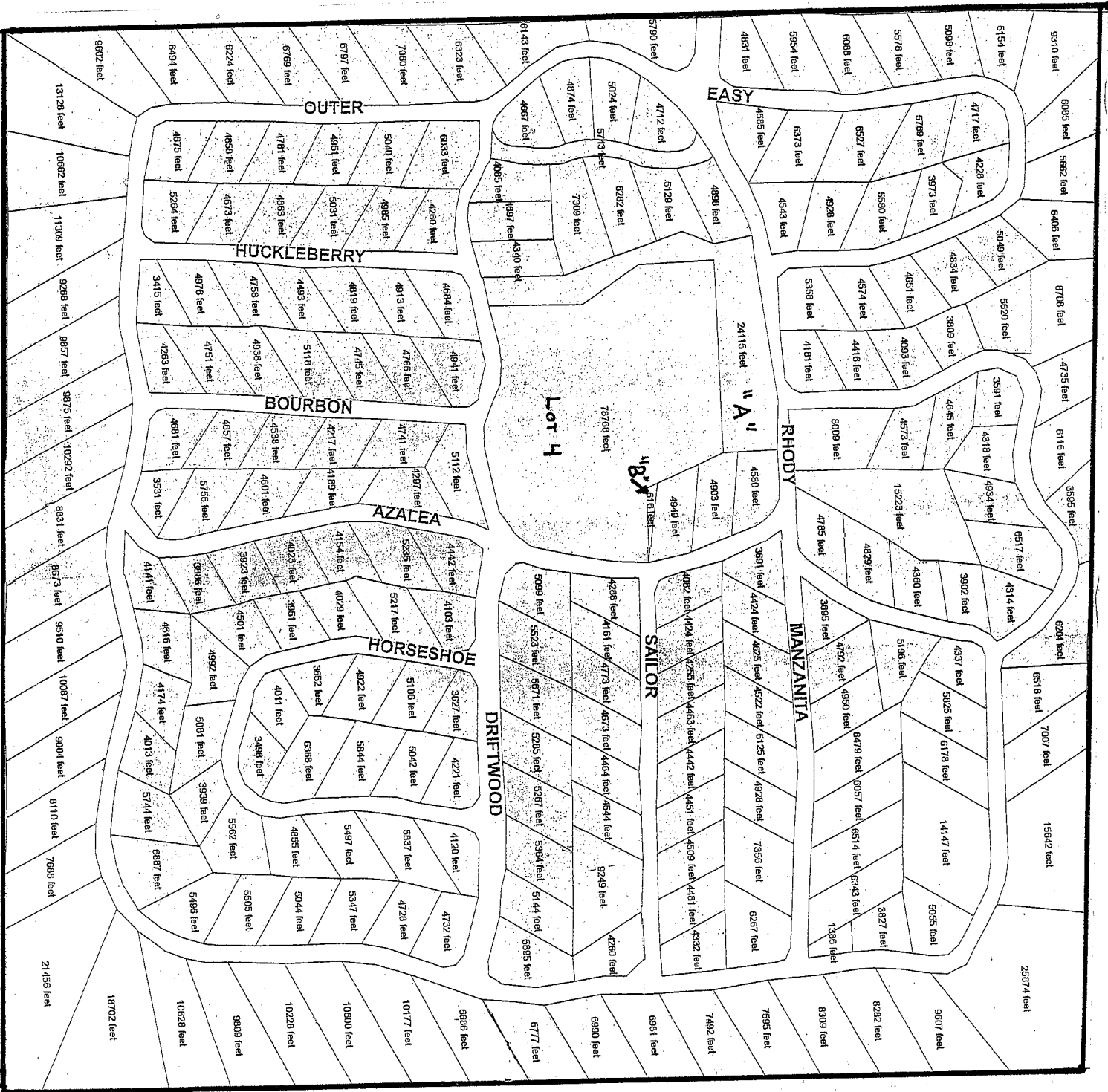
Chairman Donald R. Benson
Secretary Donald J. Connelly
Mayor Paul D. Berg

FILED
AT _____
MAR 1 0 1975
D. M. FENIGAN, Director of the
Dept. of Records and Elections of Lane County
BY Y. G. G. G. G. DEPUTY

S14126

Exhibit Q

Coast Village Lots with Approximate Sq. Ft.



This exhibit contains maps illustrating the approximate lot sizes in sq. feet for Coast Village. The Coast Village East map (above) originated from ARCVIEW calculations. The Coast Village West map (below) originated from the Regional Land Inventory Database managed by the Lane Council of Governments. Neither of the maps is accurate for land use development purposes. However, they are provided to give a general idea of the lot sizes in Coast Village and varying density levels within the development.

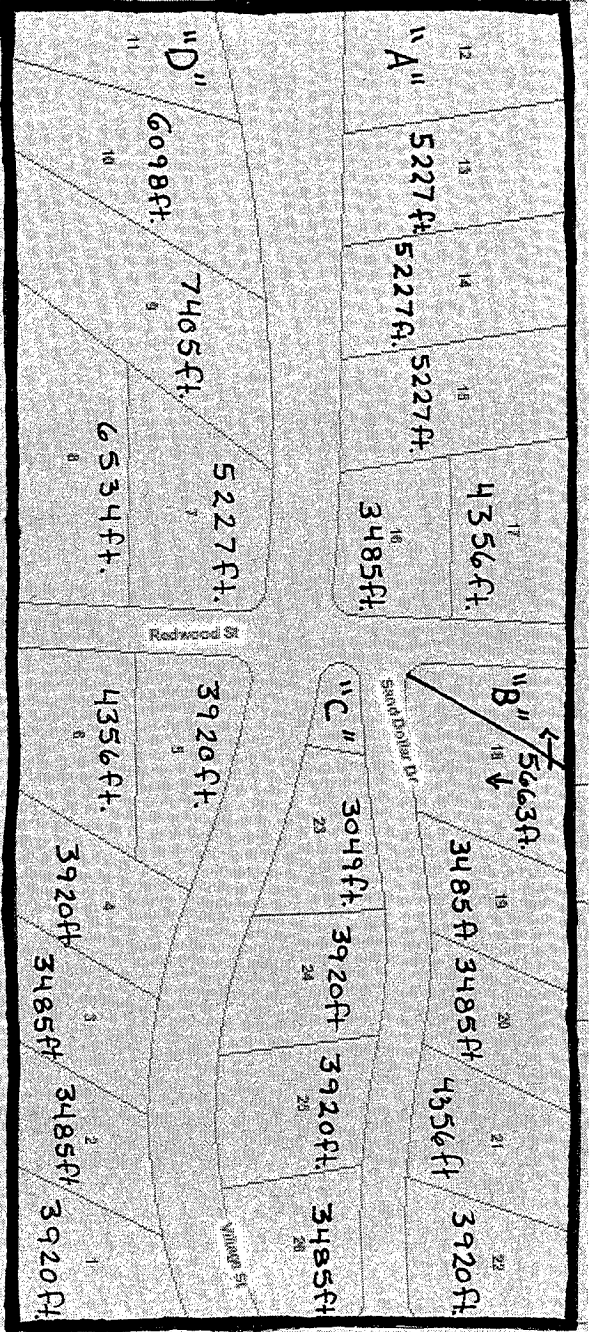
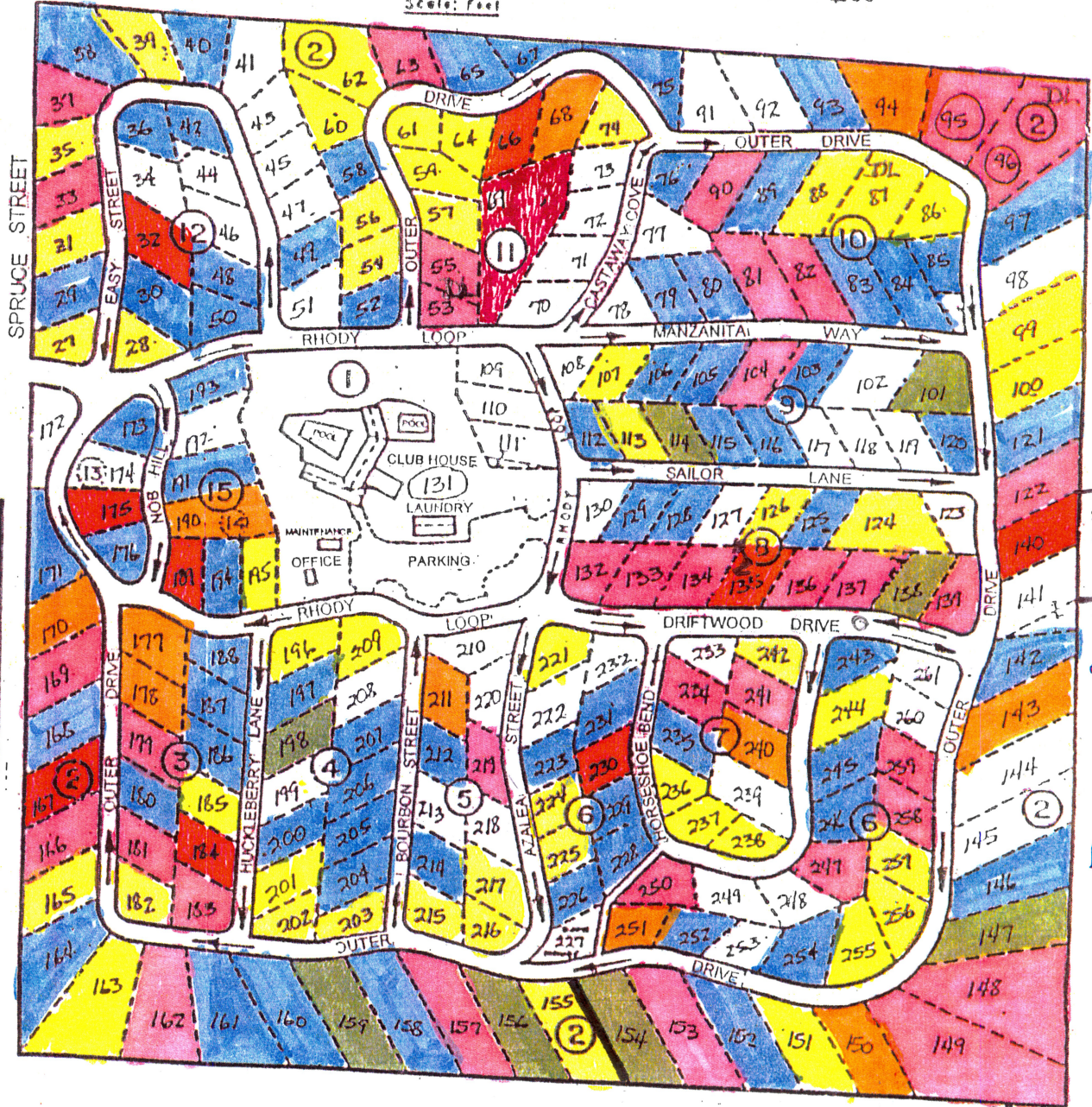
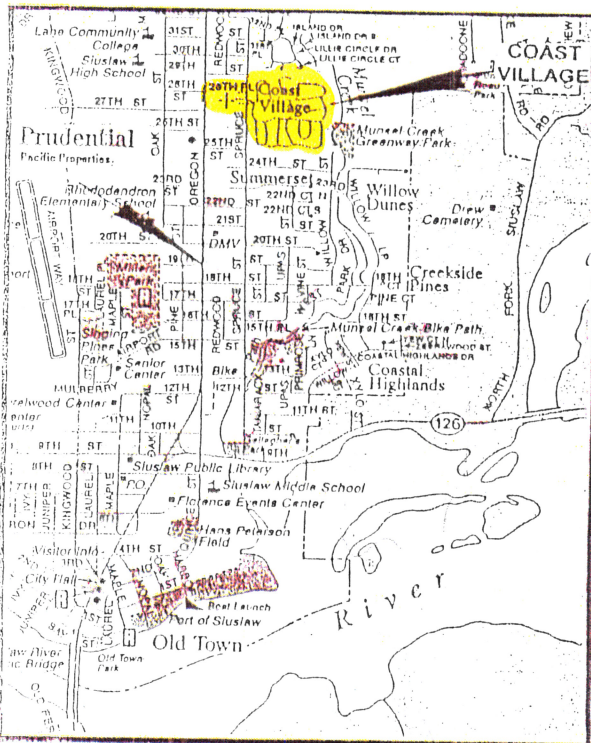
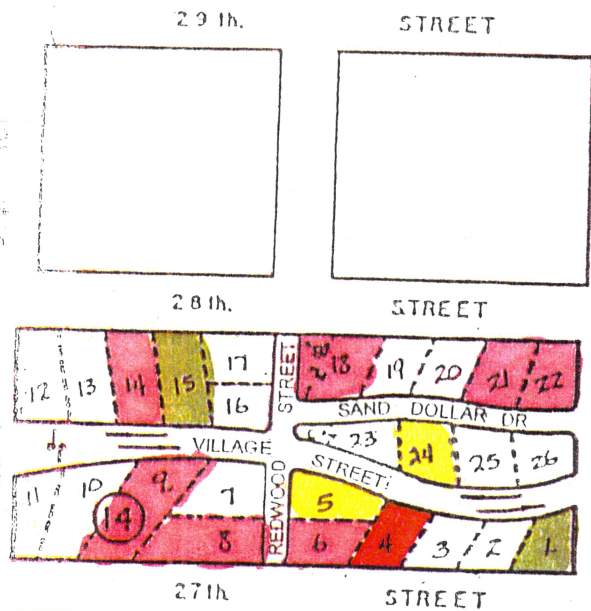
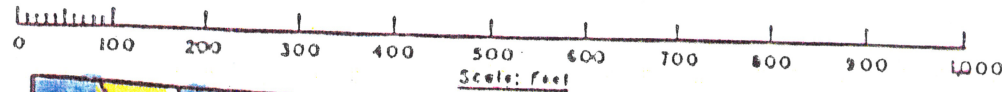


Exhibit R

FOR MORE INFORMATION CONTACT:
PRUDENTIAL PACIFIC PROPERTIES
1875 HWY 101, FLORENCE
541-997-6000 • 800-788-3319
www.realestateflorence.com

COAST VILLAGE

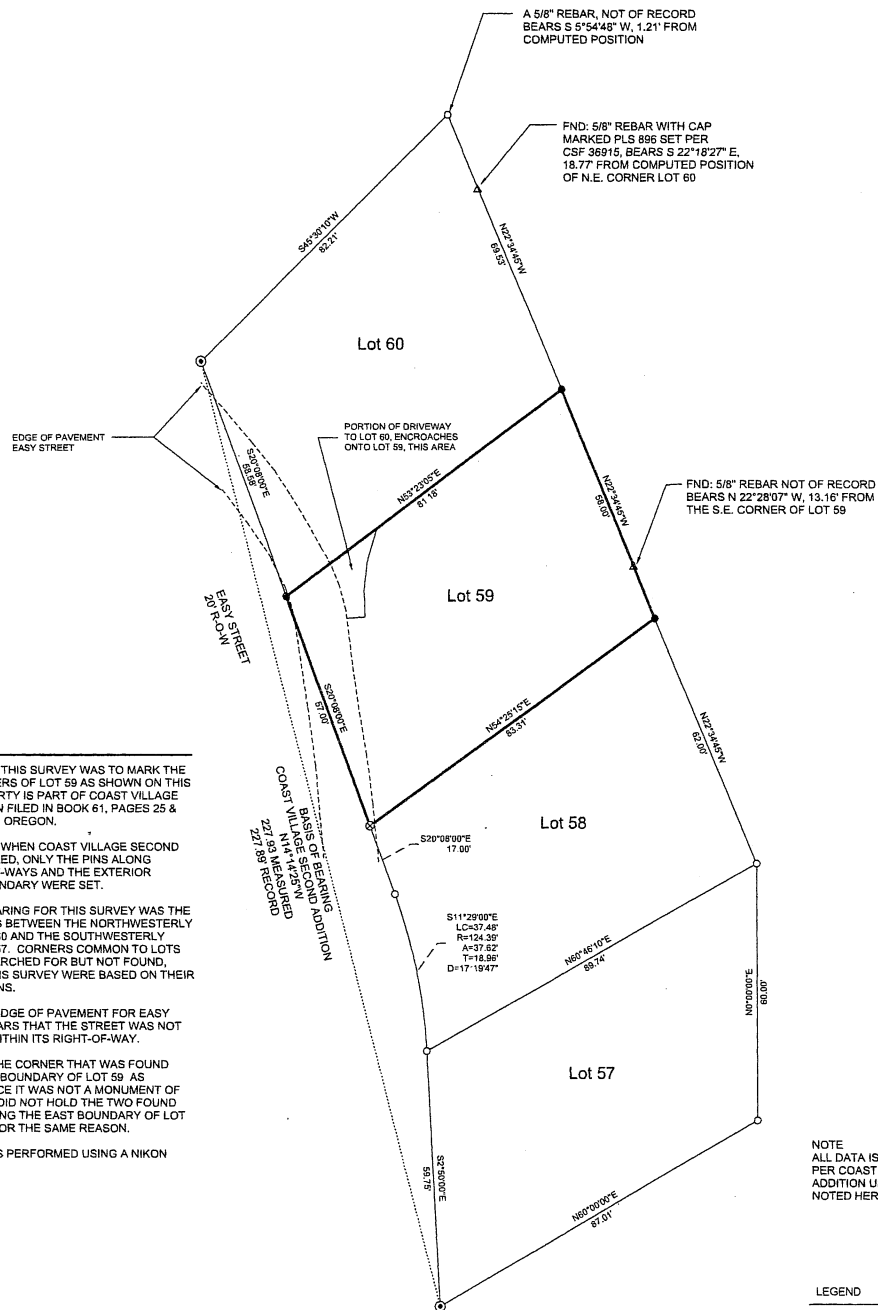
COAST VILLAGE
2750 HWY 101 • FLORENCE • OR 97439



- ⑩ Side Built
- ⑪ SWMH single w/d
- ③ PMMH park hab
- ④ DMWH double wide
- Empty
- RV perm trailer structure
- 234 lots
- 34 Tempora white lot
- 11 empty
- 189 perm.

RECORD OF SURVEY
 FOR: WAYNE & PATRICIA CAVE
 LOT 59, BLK 2, COAST VILLAGE 2ND ADDITION
 18 12 23 3 1, TAX LOT 14600
 FLORENCE, LANE COUNTY, OREGON
 10/22/2004

LANE COUNTY SURVEYORS OFFICE
 FILE NO. 38900
 DATE 2 Nov 04 C



NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO MARK THE LINES AND CORNERS OF LOT 59 AS SHOWN ON THIS MAP. THE PROPERTY IS PART OF COAST VILLAGE SECOND ADDITION FILED IN BOOK 61, PAGES 25 & 26, LANE COUNTY, OREGON.

IT APPEARS THAT WHEN COAST VILLAGE SECOND ADDITION WAS FILED, ONLY THE PINS ALONG STREET RIGHT-OF-WAYS AND THE EXTERIOR SUBDIVISION BOUNDARY WERE SET.

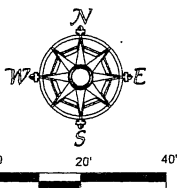
THE BASIS OF BEARING FOR THIS SURVEY WAS THE INVERSE BEARING BETWEEN THE NORTHWESTERLY CORNER OF LOT 60 AND THE SOUTHWESTERLY CORNER OF LOT 57. CORNERS COMMON TO LOTS 58 & 59 WERE SEARCHED FOR BUT NOT FOUND. CORNERS SET THIS SURVEY WERE BASED ON THEIR RECORD POSITIONS.

I ALSO TIED THE EDGE OF PAVEMENT FOR EASY STREET. IT APPEARS THAT THE STREET WAS NOT CONSTRUCTED WITHIN ITS RIGHT-OF-WAY.

I DID NOT HOLD THE CORNER THAT WAS FOUND ALONG THE EAST BOUNDARY OF LOT 59 AS CONTROLLING SINCE IT WAS NOT A MONUMENT OF RECORD. I ALSO DID NOT HOLD THE TWO FOUND MONUMENTS ALONG THE EAST BOUNDARY OF LOT 60 AS CONTROL FOR THE SAME REASON.

THIS SURVEY WAS PERFORMED USING A NIKON TOTAL STATION.

NOTE
 ALL DATA IS RECORD DATA
 PER COAST VILLAGE SECOND
 ADDITION UNLESS OTHERWISE
 NOTED HEREON



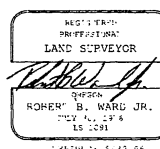
LEGEND

- COMPUTED POSITION PER COAST VILLAGE SECOND ADDITION
- CORNER SET THIS SURVEY 5/8" X 20" REBAR WITH CAP MARKED L.S. 1091 UNLESS OTHERWISE NOTED HEREON
- ⊙ FND: 5/8" REBAR ORIGINAL COAST VILLAGE SECOND ADDITION MONUMENT
- △ FND: MONUMENT AS NOTED HEREON
- ⊗ SET 2.9" SURVEY MARKER NAIL IN PAVEMENT WITH BRASS WASHER STAMPED L.S. 1091

FILE NAME 04-45.TRV		
SCALE 20 FTL	DATE 10/22/2004	DRAWN BY RBW
JOB 04-45	REVISION	SHEET 1/1

This map drawn with TRAVERSE PC Software

PLOTTER: HP DESIGNJET 500
 INK: BLACK C4810A
 MEDIA: CLEARPRINT DRAFTING FILM
 TRANSLUCENT-100% NEW
 COTTON FIBER
 SOLVANT FREE



Ward NorthWest, Inc.

P.O. BOX 105 FLORENCE, OR 97439
 (541) 997-9201 FAX: 541-997-3546

MAP 18-12-23-31 T.L. 14700

Exhibit T