

**CITY OF FLORENCE PLANNING COMMISSION**  
**May 8, 2012 \*\* MEETING MINUTES- DRAFT\*\***

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

Chairperson Nieberlein opened the meeting at 7:00 p.m. Roll call: Chairperson Nieberlein; Vice Chairperson Tilton, Commissioners, Peters, Hoile (arrived at 7:09 pm) Bare, Muilenburg and Wise were present. Also present: Community Development Director (CDD) Belson, Assistant Planner (AP) Pezley and minute recorder Barbara Miller. City Building Official (CBO) Carl Dependahl attended a portion of the meeting.

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**1. APPROVAL OF AGENDA**

Commissioner Muilenburg stated for the record that the agenda listed that the minutes of March 20<sup>th</sup> were in the packet for approval; and it should have listed the minutes of the regular meeting and worksession of March 27, 2012.

Commissioner Bare moved to approve the agenda as amended; second by Commissioner Tilton, by voice all ayes, motion carried unanimously. It is noted for the record that Commissioner Hoile arrived at 7:09 p.m.

**2. APPROVAL OF MINUTES**

**\* Minutes of March 27, 2012**

Commissioner Muilenburg noted that his name was not listed as attending the worksession or the regular meeting. He also referred to page 8, 5<sup>th</sup> paragraph and stated the second word; “would” should be deleted. He then referred to the fact there were two words, “had” in the last sentence, “cross reference in city code,” that could be removed.

Commissioner Bare moved to approve the minutes of the worksession and regular meeting of March 27, 2012 as amended; second by Commissioner Muilenburg; by voice all ayes, motion carried unanimously.

**\* Minutes of April 24, 2012**

Commissioner Muilenburg again, noted that his name was not listed as attending the meeting.

*Commissioner Hoile arrived at 7:09 pm.*

Commissioner Bare moved to approve the minutes as amended; second by Commissioner Hoile, by voice all ayes, motion carried unanimously.

**3. PUBLIC COMMENTS**

Chairperson Nieberlein welcomed everyone to the meeting and stated that this was an opportunity for members of the audience to bring to the Planning Commission’s attention any items **NOT** otherwise listed on the agenda. Comments would be limited to **3 minutes per person**, with a maximum time of 15 minutes for all items.

With no one coming forward the public comment portion was closed.

**4. PUBLIC HEARING on RESOLUTION PC 12 03 CUP 02 (continued from April 24)**

*An application from Central Lincoln Public Utility District for a conditional use permit to keep the temporary building located at 966 Highway 101*

Chairperson Nieberlein stated that this evening there was one public hearing on Resolution PC 12 03 CUP 02 (continued from April 24<sup>th</sup>). She said that these proceedings will be recorded and this hearing will be held in accordance with the land use procedures required by the City of Florence City Code Title 2 Chapter 10 and the State of Oregon.

*Prior to the hearing tonight, staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use Regulations which you believe applies to the decision, per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue may preclude an appeal of this decision based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval without sufficient specificity to allow the Planning Commission to respond to the issue precludes an action for damages in circuit court. Any proponent, opponent, or other party interested in a land use matter to be heard by the Planning Commission may challenge the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner's bias, prejudgment, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.*

Chairperson Nieberlein opened the public hearing at 7:13 p.m.

She then asked if any Commissioner wished to declare a conflict of interest, bias, ex-parte contact or a site visit. Chairperson Nieberlein and Commissioners Tilton and Peters stated for the record that they had a site visit.

### **Staff Report**

AP Pezley said she would be reviewing the criteria as listed on page 3 of the staff report; including the location and existing conditions on the site; the proposal, staff recommendations, and she would be introducing a new exhibit.

She referred to the PowerPoint (attached to the minutes) and read the criteria for the evening's public hearing, which is located on page 3 of the staff report. She said the location of the site was located on the NE corner of Hwy 101 and Hwy 126 for Central Lincoln PUD offices. She referred to the PowerPoint and the aerial map that Commissioner Tilton had provided. She said the applicant was asking for permission to keep a modular building at corner of the property along Hwy 126. She went on to say that the applicant had cleared landscaping to accommodate the modular building. She said in 1962 the building received city sewer and water; therefore it's been there prior to City Zoning and adoption of Title 10.

She then referred to a picture of the front of the building which showed the awing and stairs into the building. The building is used for a crew office; there are lockers in the building; the building does not meet the criteria in the code for building height; since it is a temporary building staff noted that it had also been done in the past where temporary buildings have been waived of certain criteria, such as height.

AP Pezley said it was staff's recommendation to approve the Conditional Use Permit (CUP) for the request of the temporary building for the three years with the option of a two year extension; provided that the Conditions of Approval listed in the staff report were met. (These conditions are listed in the staff report beginning on page 18). She said one of the conditions of approval in the staff report is to have the applicant provide a re-planting landscaping plan and she noted that it would be provided later in the presentation. One of the other recommendations is to enclose the trash receptacle; in the Main Street District it does require that trash receptacles be enclosed with a solid fence. She noted that there was fencing around the property and it is a chain link fence with slats and is not a solid fence. She said that the applicant has a concern with this condition because of onsite circulation if the trash receptacle was enclosed.

### **Vision Clearance**

Staff recommended removing any vision clearance hindrances on the corner of Quince and 10<sup>th</sup> Street; the slats within the fence are in the vision clearance area. She showed an example in a photo of removing some of the slats was a picture of Pro Lumber and how they had accomplished that on the corner of 2<sup>nd</sup> and Quince; they have taken the slats down to 2' so you can see through the fence.

### **Exhibit M**

AP Pezley said she was entering into the record Exhibit M, the landscaping plan that the applicant had provided. It shows 4 trees for the 100' area that is along the highway and 24 huckleberries and grass.

### **Questions from Commissioners**

#### ***Landscaping Code***

Commissioner Tilton asked if PUD was exempt from the landscaping code and the minimum landscaping requirements. AP Pezley replied that they were in compliance before the building was put into place; she agreed with Commissioner Tilton that they had removed 40% of landscaping and were now out of compliance.

#### ***Vision Clearance***

Commissioner Muilenburg asked about the vision clearance issue. AP Pezley referred to Exhibit D, the vision clearance area - if the corner of the property is on two streets then the vision clearance area is 20' back from both of the street corners, and to make a triangle. She said it would be 10<sup>th</sup> and Quince Street area that was the concern, along with the northeast driveway. She said one option was not to require the fence to be removed; but having the slats trimmed. It was clarified that the example in the packet was not on the site, but a picture of Pro Lumber used for an example. It was clarified that it was Quince and 10<sup>th</sup> Street and the NE driveway that needed the vision clearance.

#### ***ADA Ramp Clarification***

Commissioner Muilenburg said there was conflicting information and he wanted clarification. He said Exhibit G from the building official, states based on what they are using the trailer for; the ADA requires the compliant ramp access into the trailer. But on page 9, C, under Access, it states that "the building maybe required to meet the ADA standards." He said as indicated by the building official comments Exhibit H (which needed to be changed to Exhibit G); why is there a discrepancy in the staff report?

AP Pezley said based on the information from the building official it was clear to him that they

were required to have an ADA ramp; however there are some exceptions and the building official stated he was open to those exceptions. She said when the applicant applies for their building permit there was a possibility that the building official may not require an ADA ramp by finding an exception.

CDD Belson referred to the building official's statement in the second paragraph; "if this were just a temporary job shack type trailer the space may be exempt."

Commissioner Muilenburg asked if the Planning Commission needed to know if this was a job shack or a common area; the applicant states it is office space. He said he was not advocating either way, he just wanted clarification.

CDD Belson said the Planning Commission would need to decide that evening if the building requires a ramp and if that was something you would want to see on the plans before you approve it. She said nothing had been submitted to the building official. He had not made a formal determination; he was just making his response based on the information provided in the land use application.

The discussion on the ramp included:

- Building Official could make the determination
- Job site trailer can be used as an office during construction; as a governmental agency they are entitled to a job site trailer.
- Title 10 Chapter 4-E – Temporary building mobile space, CUP may be issued to provide an adequate temporary building space for the following uses:
  - A. Temporary offices accessible to the general public for use during construction or remodeling
  - B. Temporary space for education, nonprofit government agency
- The application said they are planning on building at a new location; therefore, it qualifies as a temporary building.
- If it is a temporary building then it can be exempt, it doesn't need a ramp; especially when the general public is not going to access this building
- ADA applies to everyone including employees; if an employee needs the ramp the PUD would be required to provide it by federal law.

### ***Expiration of the Conditional Use Permit – Temporary Building***

Commissioner Peters referred to 10-4-7, on page 6 of 20, the expiration of the Conditional Use Permit, where it says, "Authorization of a conditional use permit shall be void one (1) year after the date of approval of a conditional use application, unless a building permit has been issued and substantial construction pursuant has taken place. Substantial construction shall be considered to be completion of a building foundation." He then read this statement, "The building is on site the building is temporary and therefore, the applicant did not place the mobile unit on a permanent foundation and therefore, substantial construction threshold is already being met." He said he did not understand how the applicant could meet the threshold by **not doing** what was being required.

AP Pezley said the applicant put the building on a temporary foundation, placed on the ground. She referred to "substantial construction," and said the building was already there so it had met the threshold.

Commissioner Peters said if there was no foundation, how does it meet the threshold?

CDD Belson suggested deleting the second sentence from the Findings.

Commissioner Peters asked if the permit would only be good for one year unless substantial construction had taken place, and if the city was requiring them to get a building permit?

CDD Belson said the building is there so they would not have to start the project in order to retain their land use approval; therefore, their conditional use permit cannot expire as long as the building is there.

Commissioner Peters said we're requiring them to apply for a building permit, but can we then say because the building is already there it is unnecessary for them to comply with the requirements of the building permit.

CDD Belson replied, no, they would have to comply with the building code and if you want to tie the two together you could make a condition that the land use approval would expire within one year if they had not obtained their building permit.

Commissioner Wise said it was his understanding that the purpose of the foundation clause was to keep people from taking out CUP and just hold them without doing any construction. Therefore the code states that you have to do something; it wasn't meant you had to lay a foundation but a foundation was considered being substantially beginning construction.

Commissioner Peters said the permit was void a year after approval unless a building permit is issued and construction shall be substantial.

CDD Belson asked to Commissioner Peters to propose the Findings/Conditions to address that.

Commissioner Bare said it needed to be on the record and asked if this temporary building was on wheels. AP Pezley stated she was giving the building official Exhibit E from the packet which was a picture of the building.

Carl Dependahl, City Building Official (CBO) said it still had the tongue; therefore, it would have wheels, but noted that he had not seen the building lately.

Commissioner Peters asked if a different context would be required here; where you have a mobile building on wheels, doesn't that come under a different portion of the code? It appears that we're asking for a building that might remain for 7 years; therefore, that would not seem to be a mobile just sitting in there on wheels.

CBO Dependahl said he was not full versed on this from a land use perspective. From a building code perspective, something on wheels does present some issues. In this case, whether it has wheels or not, it is de facto being used as a building. One will ask for a permit at least for the accessories structure with it, if not the manufactured building. He said he didn't know that there was a clear cut answer because it's not well defined. The building code does not regulate trailers, but they are intending to use it as a building.

Commissioner Peters said we should say the building is temporary and is on wheels and will never require a permanent substantial construction of a foundation; it's as a permanent as it is going to get. We're not dealing with a modular building we're saying, "Can they bring a modular building

in and meet our code requirements.” They would have to apply for a building permit and the CUP permit would be limited to one year just like any other project; it needed to be clearer.

CBO Dependahl said the State of Oregon recommends that a “manufactured home” have a foundation; permanent or semi-permanent of tying the frame of the structure to the ground for a safety issue.

Chairperson Nieberlein said it was very frustrating when we have to back in to projects where it should have been done correctly to begin with it would have been a big help. The landscaping compliance is a big issue, because it is unusual for the Planning Commission to go ahead and make something non-compliant when their job was to make sure it is compliant.

CBO Dependahl said when this building was brought to staff’s attention, he had to go looking around and he was told that one of the Planning Commissioners actually saw this, but this is a yard where there is a lot of equipment sitting around and he didn’t see the trailer. If they need to have it there it would be appropriate from his standpoint to offer them a building permit for a permanent tie down; it is within a non-public area; or a backyard, therefore, it is in a different context than a normal building.

### ***ADA Compliance***

CBO Dependahl said he had not seen a specific proposal and he had been on both sides of the issues himself. He said at first glance he thought they needed to have an ADA ramp. He said subsequent to that he looked at a floor plan and he was told this is used as a work station for the workers that drive the trucks, the linemen, etc. They use it to fill out their paperwork; but he had not received a statement rendered by the applicant directly to him. During the permit process, he would make a final determination. He said under federal and state of Oregon law; if it is a work station it would not have to be made accessible. If it was a common area that is used for taking breaks and everyone goes in there and has coffee at break time, it would have to be made accessible; he would have to make that determination.

Chairperson Nieberlein said it shows on the plans, 6 work stations, lockers, frig, table and chairs.

CBO Dependahl said the last thing he was told that it would be a place for the guys to do paperwork and not a break room. Therefore, it would not need to be accessible to comply with federal law.

Commissioner Bare said it appears to have a tongue and wheels and it was determined that it only had electrical service and there was no water or sewer to the building and it appeared to have two axels.

When asked by Chairperson Nieberlein, the Commissioners stated they had no more questions for staff.

Chairperson Nieberlein said the Commissioners would be taking testimony from the applicant, proponents, opponents and those that just wished to make a comment on the application. Copies of the written comments had been distributed to the Planning Commission.

### ***Applicant***

Gary Wenzel, Central Lincoln PUD - speaking for PUD.

Chairperson Nieberlein asked the applicant if he had read and understood the staff report and the

conditions of approval.

Mr. Wenzel replied he had read the staff report but that he had an issue with the condition to put a permanent fence around the dumpster. The trailer was there for someplace for the line and service crews to show up in the morning and was only used approximately 40 minutes a day. The crew comes in, tie their boots and then go to work; same thing in the afternoon. The previous crew rooms in the main office building and truck bay were needed for other things.

### ***Landscaping***

He said he understood the landscaping and he said they could re-landscape. He said that area had slowly been depleted of brush and they did take out trees to put the trailer in, which is a temporary building and it does have axels under it.

### ***Fence Around the Dumpster***

He said if they were to build a permanent fence around the dumpster it would be difficult for personnel to dump it as the materials that are put in it are very heavy and it would take up a big piece of the loading dock. He said he understood the reasons for the fence, but it would hinder the use of the dumpster. He said at this point they just have to tweak it a little bit and then back into it. If they build a fence round it, the entire area would have to be pushed out and turned at 90 degrees so they can get the truck in there to pick it up. It would also take up a fair piece of the loading dock; it's behind the fence already and he understood the reason for the fence, but it would hinder the use of it; there is not another place to put it.

Mr. Wenzel referred to his letter and apologized for doing this backwards and stated that he was not aware of the codes and this was done out of pure ignorance. He said he was told the PUD was looking for a place to build a new facility; but that was being handled by other personnel.

He said as far as the ADA requirement; if an employee needed that accommodation they would make reasonable accommodations for them in the main office which is ADA accessible.

### **Questions of the Applicant**

#### ***Curbs***

Commissioner Peters noticed the 6' curbs were in place and asked if there were curb cuts in those curbs to allow wheelchair access. Mr. Wenzel replied the only curbs that he was aware of were on the perimeter of the sidewalks.

#### ***Temporary Building***

Commissioner Bare asked for clarification that this was a unit that the employees go to brief or debrief about 40 minutes a day and it was moved in like you would move in a trailer. The applicant replied, yes and said they left the tongue on and he was not sure how many axels possibly 2 or 3. He added that the building was supported by concrete blocks and they put in anchors to meet the hurricane standards. Commissioner Bare asked if there was just electricity to the building and the applicant replied, yes.

#### ***Temporary Use***

Commissioner Tilton said a temporary building is for a temporary use and it didn't sound like this was temporary. Mr. Wenzel replied that it was temporary because they were looking for property to build a new facility, although it may be 5 years out, but stated he was not in charge of the new building but he thought they had approval to do that. Commissioner Tilton suggested that the applicant would have the option of renting another building for a temporary use and the applicant

replied, sure. Commissioner Tilton stated that he was very concerned about the applicant not meeting the minimum landscaping codes, especially as a public body. He said it was difficult for him to see this as a temporary use.

With no more questions of the applicant Chairperson Nieberlein closed the public hearing at 8:02 p.m.

### **Commissioner Deliberation**

#### ***Landscaping Requirements***

Commissioner Tilton said he thought the primary question was what do we mean in the city code when we say, “a minimum 10% landscaping is required.” He said he interpreted it as being all the time. He said in the staff report it states the Planning Commission has the choice to deny this application if we find the building makes the site less compliant to the city codes. If we were to approve this, we would be setting a precedent that would not be lost on the rest of the public entities in town, that at the very least they weren’t subject to minimum landscaping requirements. He said he didn’t see any way that he could support this.

Commissioner Tilton said he thought they should deny the application; the temporary unpermitted building should be removed and the minimum landscaping reinstated. He went on to say that 10% landscaping a very low threshold and either the city codes means something or it doesn’t. He thought everyone had to play by the same rules. The public entities are already given some special privileges in that they can even apply for a temporary building under these circumstances; other commercial entities cannot do that. Public entities are not exempt from the minimum code and from our Comprehensive Plan; or landscaping requirements in our code. This city has made it clear that the appearance of the city is important to us; and landscaping the Planning Commission sees as a big factor in appearance. He thought it was one of the biggest economic assets that the city has in bringing new residents and businesses to town. He went on to say that he would listen to what the other Commissioners had to say on this subject. He said we need to require a minimum level of landscaping for everyone in the city.

#### ***Numbers Needed for Landscaping***

Commissioner Muilenburg asked for the numbers regarding the landscaping. He said when it was approved in 1991 the code said commercial districts 100% lot coverage was permitted; did the temporary building cause the new code to be enacted? AP Pezley replied the new code was in place when this application was submitted. Commissioner Muilenburg then asked for the percentage of landscaping the PUD had at this time and he was told 6.1%.

Commissioner Muilenburg referred to Exhibit E – the pictures of the property and the picture that showed the fence and the temporary building; one sees a jog in the fence and there isn’t any landscaping in there. He said he was trying to find areas on their lot that could be landscaped to make up the difference in the percentage. AP Pezley said they could add street trees in the right-of-way to count towards their landscaping; she referred to Exhibit B that showed the 6 trees in the right-of-way and noted that they were counted in the calculation and that was all the code allowed for that type of credit.

Commissioner Muilenburg reviewed the maps and pointed out the sections where landscaping could be added to meet the 10% requirement.

CDD Belson referred to Exhibit B and to one section that Commissioner Muilenburg had pointed out and stated that it was already counted in the calculations. AP Pezley stated that possibly the



landscaping plan was not copied correctly and part of it cut off. She then provided the original copy of the landscape plan and the Commissioners had the opportunity to review that document.

### ***Extra Parking Spaces for more Landscaping***

Chairperson Nieberlein asked about possibility about using extra parking spaces for landscaping and staff replied that there are 28 parking spaces on site and 10 parking spaces on the street and they have two extra parking spaces.

Commissioner Muilenburg asked how many square feet in the 3.9%. AP Pezley referred to Exhibit M, which was the revised landscaping plan provided by the applicant (the day before) and was put on the dais that evening and said it showed the percentages that were required and it was noted that it was 2,265 sq. ft.

Commissioner Peters said he appreciated how Commissioner Muilenburg was working to get the required landscaping to allow this to go forward. He said he had spoken with AP Pezley that afternoon and she told him that and the city was taking the position to assist the applicant to comply rather than to simply take an enforcement posture, and he appreciated that.

He said we are not policemen, but we want our city to be maintained at the highest level esthetically. He then said time again incomplete applications come to them that don't meet city requirements. He said we have always concluded in the end that it was up to the applicant to answer the types of questions that Commissioner Muilenburg was asking. He thought this was another example of an applicant who was not familiar with the code; and has taken some shortcuts and we don't want to encourage shortcuts with applications. He said it was his opinion that the applicant had to convince the Planning Commission how they could make up the deficiency and he would have to join Commissioner Tilton in voting against the application.

Commissioner Peters said CDD Belson suggested a possibility; perhaps if the Planning Commission were to place into Condition 1 as a CUP, a time limit of one year; a building permit application had to be made and if that were made there would be a termination time on that unless substantial construction takes place. He didn't think the Planning Commission would say that they don't need substantial construction because it rests on 4 tires; obviously it would not meet code requirements. He thought that was one possibility if we were willing to compromise to allow a one year time limit and they could come in with revisions to their application that might meet the city's needs.

### ***Design Review Requirements***

Commissioner Muilenburg asked for clarification on how staff would review the current landscaping code when in 1991, they were allowed to have 100% lot coverage. CDD Belson said they had 10% coverage before they removed some of the landscaping and now they are down to 6%. So when we passed our new landscaping code they were in compliance, but since removing the landscaping they are no longer in compliance.

Commissioner Muilenburg said he didn't understand how we can invoke the new landscaping code just because they are putting in a temporary building, and CDD Belson said that was the question before the Planning Commission; generally when we have a land use application we apply the codes that are in place at the time they apply for their land use permit. We don't apply past codes, or future codes we just apply what is in place at the time. She said the question before the Planning Commission, given that it is temporary and they have opportunity to make it compliant when the building is gone, are you are going to hold them to the 10% requirement?

Commissioner Muilenburg asked if there is a code in the commercial district that allows, 100% coverage and CDD Belson replied, no, and it is at least a minimum of 10%. Commissioner Muilenburg then asked, back in 1991 the code stated 100% coverage, was it correct that there would be no issue on landscaping.

CDD Belson replied, that it would still be an issue in that they were applying for a land use decision and they are not complying with code, but there are a lot of issues with this application that do not comply with code.

- It does not meet the height requirement
- It does not have the landscaping within the parking lot that we would normally require
- There are sidewalks that don't meet current code

Therefore, there are a lot of non-compliant issues with this application; she thought the reason it was a concern for some of the Commissioners is because they were in compliance and they are becoming less compliant in terms of the landscaping. When people try to add on or increase the intensity of their use, the city will generally ask them to bring their property up to code in a manner proportional to the increase. Staff does not ask them to bring it completely up to code, for an addition or a small increase in the intensity of use. She said that the city does not set the threshold so high to meet codes that it doesn't make it worthwhile to make any kind of improvements.

Commissioner Wise said it seemed to him that staff is saying if they withdrew their application they would be in compliance. CDD Belson replied no, they removed landscaping without permission, they had a site that was in compliance and then by removing the landscaping it no longer complied with city code.

Commissioner Wise asked if he had a lot with 100% coverage and he was in compliance, and he wanted to trim some of that concrete, would he have to remove at least 10% of that concrete. CDD Belson said you are removing something that had been permitted before and that can continue, it is grandfathered in, it is a legal non-conforming because it had been approved previously.

Commissioner Wise said now that they want to put in a trailer; they have to meet a minimum landscaping. CDD Belson said that was the question before the Planning Commission that evening. Staff recommended that they don't have to comply with the landscaping and recommended approval on the basis that the building is temporary and they would replant when they remove the temporary building it will meet code.

Commissioner Wise said when we make these types of decisions he thought they needed to draw a distinction between setting a precedent and exercising discretion. The fact that the Planning Commission allows something to happen because in their opinion it is worth allowing it to happen, for whatever reasons they decide, it was within their authority to do that; it doesn't mean that the next applicant can come in and say, "you did that already." He gave the example of the house on 20<sup>th</sup> Street, there were 7 previous examples of conditional uses for single family houses and if they chose, they could have still held them to the residential zoning requirement, but they chose again, not to. He pointed out that decision is discretionary. He thought while the issue had merit and he agreed with Commissioner Peters that we have to enforce these things, he thought they should also strongly consider the judgment of the staff recommendation before putting the applicant through such a radical way to redeem themselves.

### ***Preservation Credit***

CDD Belson said she wanted to make a correction to her previous statement, she had said there was a minimum of 10% landscaping and that was generally true, but they do have the preservation credit where you can reduce that if you are preserving native vegetation on site; although it is not applicable in this case. There are cases that staff would allow less if they had that preservation credit.

Commissioner Wise said he had a legal question about Condition 3; he was under the impression you could only get a one year extension on a CUP, not a two year.

CDD Belson said she would like to clarify that condition. She referred to page 6 of the staff report; 10-4-7, expiration is when they haven't followed through. She said when an applicant got their land use approval and they have not followed through and had not done anything, it would expire within a year. That is not the same thing as how long a temporary building can be deemed temporary. The code for the temporary building is found on page 4 of the staff report.

She referred to page 4, and 10-4-11-E Temporary Mobile Building Space, there is nothing here in terms of what is temporary that gives any type of a time limit; that is up to the Planning Commission. She went on to say that we have examples of the hospital, Christian Church at 2<sup>nd</sup> Street, and Church on the Rock; they all have had temporary buildings that were allowed to be in place longer than a year. It is completely up to the Planning Commission how you choose to limit the temporary building.

Commissioner Wise questioned, if they could ask for 5 years and terminated it 2 years early; they would not have to come back; staff replied, that was correct.

Commissioner Wise referred again to Condition 3; "prior to expiration of the CUP." He said when he had seen that in the past he had thought about the scenario if the applicant came back the day before it expires; the Planning Commission would not get it right away. He thought the applicant would know what their intentions are several months before the expiration of the 3 years. He suggested changing the wording to "120 days prior to expiration," which gives staff enough time to process it and get it back to the Planning Commission before the CUP expires.

Commissioner Wise then referred to Conditions 6 & 7; it seems we have to get the building official or someone else to check on things and see if they had been done. He thought it would be fair to require, "prior to the 60 days the applicant must contact the city and inform us of what had been done," rather than having someone chase them down. He said these were the changes he would recommend.

With no further question of the Building Official, Chairperson Nieberlein excused him from the meeting.

### ***Trash Enclosure (Condition 7)***

Commissioner Hoile asked if the Planning Commission was going to require the trash receptacles enclosure (Condition 7). She thought the applicant had provided a good reason for not enclosing it; and noted the public cannot see it. Commissioners Hoile, Wise and Muilenburg stated they would remove Condition 7 which was requiring the trash enclosure. Commissioner Peters said he thought it was a reasonable requirement and couldn't see why they would not require it. Commissioner Wise replied, if they were building from scratch it would be easy and reasonable for us to require that, but they have already got their dumpster located in a way that it would become difficult for

them to build around it and it would be difficult for it to be dumped. Commissioner Hoile added that it was not visible to the general public because of the fencing and also added that the public does not go back there.

Commissioner Peters said staff assumed that this requirement was related to the temporary building and in order to make this acceptable, this condition had to be met. He said if he were wrong about that; he would agree with the other Commissioners.

CDD Belson said in looking at the application; knowing it was a temporary building; staff wanted to require something to comply with the code as part of the land use approval. They thought this was an easy condition to accomplish in terms of meeting a code requirement without a lot of expense. She said they were not aware that the applicant had issues with this condition before the first hearing. She said if you approve this they are getting a benefit to be able to occupy a temporary building and staff thought they should do some improvements to the site to at least bring it into compliance regarding the trash enclosure. Absent the trash enclosure there is nothing magical about that; if you removed this condition the Planning Commission could find something else to replace it or they could find that it was unnecessary.

Chairperson Nieberlein said there are other things that are out of compliance, for instance the sidewalk; so they could choose to do the sidewalks instead of the trash enclosure; staff replied that was correct.

### ***Finding Places to Landscape***

Commissioner Muilenburg referred to the original landscaping plan and said he thought there were some areas that could be landscaped; he wasn't sure where they could get 2,200 square feet but he noted the following areas for a possibility:

- Around the trailer – he referred to picture of the trailer which showed the door.
- Area where they are not going to park vehicles
- Outdoor break room with umbrella
- Area to the left of the stairs
- Move the spool and landscape in that area

He said after reviewing the areas that were not landscaped; one might get 1,000 or 1,500 sq ft which would get them closer to their 10%.

### ***CUP Void in One Year***

Commissioner Peters said he found a solution to the whole dilemma. If the Commission approves this CUP, as it is set out on page 6 of the staff report, the permit would be void in one year unless a building permit had been issued and substantial construction had taken place. Substantial construction being defined as, a permanent foundation, in otherwise something genuinely substantial. Therefore, we have requirement in Condition 5 that the applicant applies for a building permit, and within one year if they had not constructed a foundation to that building then the condition of the permit evaporates. They would have to decide what to do, keep the building in there by placing it on a permanent foundation, or possibly rent some space. He said we already have in the structure a way of guaranteeing one year for this proposal to be rejected if they don't make substantial improvements.

CDD Belson said that could work if you were going to have this particular building be permanent but she reminded the Commissioners that this building does not meet city code so staff would not

recommend that building become permanent.

Commissioner Peters said Commissioner Muilenburg is struggling to find a way for the applicant to conform to the landscaping requirement; the applicant should be able to do that too.

CDD Belson said after listening to the discussion it was her understanding that the Planning Commission would give them a CUP with a time limit of one year and within that time the applicant would need to find either a different solution, like off site, or add onto their current building in a way that would comply with city code. Commissioner Peters agreed.

### ***Denying the Application***

Commissioner Tilton thought the primary question was whether the Planning Commission was going to require the 10% landscaping. He said the code was changed to require 10% and there was a reason for that. He understood that they were not bound by this decision, but he thought it would send a message to the rest of the city. He didn't think they had approved a temporary building before where the installation of the building caused the site to be out of compliance with one of the city codes; which is what has happened here. He said they were compliant before putting in the building and they removed 40% of the landscaping without a permit. In terms of what was before the Planning Commission that evening, he proposed denying the permit and maybe the applicant could come back with something different. He acknowledged that the PUD was looking for a new site; maybe they could possibly move some of their activities to another site, as this site does not have enough room on it to meet the city code. He said with what was before the Planning Commission he could not recommend approval.

Commissioner Bare reminded everyone that the building was on wheels; it has a tongue and the only utility to the building was electricity and it was only used 40 minutes a day. He agreed with Commissioner Muilenburg's idea of filling in the landscaping where possible.

Chairperson Nieberlein said they were told it was only being used 40 minutes of a day and she agreed they could find another location to do the same thing and not throw their whole site into non-compliance.

Commissioner Wise asked if they could confirm from the applicant about the length of time the building was been used.

### **Chairperson Nieberlein reopened the public hearing at 8:52 p.m.**

Commissioner Wise asked the applicant; for clarification that they put in a temporary trailer for their employees to use it for only 40 minutes a day.

Mr. Wenzel said the crew shows up in the morning and they are not in the trailer very long. He said it was also where they store tools and clothes. They have computers for the crew to access their email; which are used for short periods of time. He said 40 minutes may not be all that accurate; he was trying to make a point that it was not used very much that is why there was no need for water or sewer.

He appreciated the endeavor to try to facilitate the landscaping. He referred to the revised landscaping plan, Exhibit M and stated that the total area in green that was cleared out was 2,318 sq. ft. and what was needed was 2,265 sq. ft. He added up the total square footage of the building and accessories and said that would leave 1,600 sq. ft. that he could easily plant.

Commissioner Muilenburg referred to Exhibit B that showed where the trailer sits, and stated that from one corner they could landscape that now with the location of the trailer along with the jog in the fence line. When asked, Mr. Wenzel said his cad drawing were drawn to scale; and agreed that the landscaping could go by the staircase into the trailer. Commissioner Muilenburg and Mr. Wenzel reviewed Exhibit B and discussed places where they could landscape.

Commissioner Peters said it was his understanding that in the current plan, this landscaping would only go into effect when the trailer was removed; no one was proposing that it be done now. Commissioner Muilenburg said he was proposing that it be done now; by adding the additional landscaping because they were 6% short. Commissioner Peters thought it was the applicant's job to do that. Commissioner Muilenburg said it was his opinion that it was part of the Planning Commission's job to require landscaping and these were the areas that they could landscape and bring them into compliance.

### ***Amended Landscaping Plan***

Mr. Wenzel said he could come up with another drawing showing the additional landscaping on the site; he added that everything around the trailer and the facility in that area could be planted.

Commissioner Tilton asked staff, in terms of the right-of-way area, where there are street trees; would it be a problem for the applicant to add more street trees in that part of the right-of-way?

AP Pezley said it would be allowable in city code to count those trees towards landscaping.

CDD Belson said it would require a permit from ODOT as it is in the state's right-of-way, but per the city it would be acceptable and it would actually help beautify it more than the plants inside.

Commissioner Tilton asked the applicant if that would be something that they would consider; to plant some substantial trees in the right-of-way to help provide some beautification for the whole site. He suggested some sort of evergreen perennial that would provide for a nice visual buffer for the entrance of Florence and something that would quickly give coverage both vertically, horizontally, and planted reasonably close together. Commissioner Tilton said that would be another addition as well as planting everything inside that could be planted; he would agree with that.

Mr. Wenzel replied, yes, he would plant those areas with something that would not grow up into the power lines. He noted that he would have to get ODOT approval; but he didn't think they would have a problem.

### ***Transients in Dense Vegetation***

Mr. Wenzel referred to the aerial photograph, and said we would like to be discreet on the Hwy 101 side, the west side of the building where the trees are getting dense between the building; as it is a great hiding place for transients. He said on the east side they have had people cut the fence; get in and break into the yard, steal tools and wire. He said he would like to get sparse trees so there was some visibility through it. He went on to say that the trees are getting dense between there and the building and it is a hiding spot for transients.

Chairperson Nieberlein re-closed the public hearing 9:01 pm.

### ***Commission Deliberation***

Commissioner Nieberlein said she thought they had all agreed to remove Condition 7 (trash enclosure) and asked for the Commissioners input.

Commissioner Tilton said before we approve this, he wanted to have a revised plan so we have an idea where we're going and what they are going to do; it would make him more comfortable.

Chairperson Nieberlein asked if he meant taking it back up to 10% and Commissioner Tilton replied, yes, or close to it.

Commissioner Wise agreed, but suggested that it should be delegated to the community development director, to verify that they have a plan rather than having to bring it back to the Planning Commission. Commissioner Tilton asked how they would condition that; and if it would be conditioned in way that said, landscaping had to come up to a certain percentage. Commissioner Wise said any number that the Commission wanted; and Commissioner Tilton said his goal was to obtain 10% landscaping and he was hoping that by using the trees within the right-of-way that they would be able to get to that percentage.

Commissioner Bare agreed with Commissioner Tilton that he would like to see the applicant bring the landscape plan back to the Planning Commission.

Chairperson Nieberlein asked if the Commissioners were comfortable with the rest of the conditions.

CDD Belson said the Commissioners needed to answer the question that Commissioner Tilton proposed; she said if you want this to come back to you, she recommended not approving the resolution that evening. She said they could approve this plan to be the re-planting plan and approve a different plan for the interim. You could have two plans, one for now and one for when the trailer was removed. You could then decide whether Condition 4 would go away and we could incorporate whatever changes that they would agree on that evening, such as suggested by Commissioner Wise.

Chairperson Nieberlein asked the Commissioners for their input on the conditions of approval.

Commissioner Muilenburg

- He was fine with the language on the CUP; he understood it and didn't think it needed to be changed.
- If the rest of the Commissioners want the applicant to call when he was done with it, he would go along with that; he was either way; he would go with the majority.
- Wanted to remove Condition 7 (trash enclosure)
- Landscaping plan, in the past we have allowed applicants to bring something back and let the administration handle it; but a lot of those times they were on a time constraint; the building was already installed. He would like to see the revised landscaping plan and he was interested in what percentage was achieved.
- He said he didn't think they needed to change much of the language in any of the conditions other than what he had indicated.
- He was okay if the Commission removed the wording "substantial construction" if it was a big deal.
- He said he did not understand Commissioner's Peter's point. The applicant is asking for a

CUP and if they don't get a building permit within 1 year, it is void within one year; we know they are going to get a building permit because the building is already in place.

- He would ask on page 9, line 29 to change Exhibit H to Exhibit G.
- He was okay with the building official making the determination on the ADA ramp. He said the applicant had stated that if they had an employee that was disabled they would make accommodation inside the main building; the employee could make them put that ramp in as it is a federal law.

#### Commissioner Wise

- He doesn't want the applicant to have to come back; he would request that staff review it.
- He stated that he hadn't seen that the applicant had been given specific guidance and if we can be specific of what we want and give that direction to the community development director who makes very important decisions.
- He didn't need to know the types of plants that were going to be planted.
- He said he couldn't agree with the statement that the applicant was trying to skirt around the rules; they were unaware of the codes and they are now attempting to get into compliance.

#### Commissioner Peters

- Regarding Condition 3; he thought it really needed to read that the CUP is good for one year to be consistent with the other part of the code, 10-4-7 which is clear language. He didn't think it was up to the Commissioners to change the code here on a case by case basis.
- Wanted to see the landscaping plan.
- He felt the application should be brought up to standards, and that he would vote no on the approval of the application that evening the way it was written and hoped that in a short time they could vote yes on an application that meets their expectations.

#### Commissioner Hoile

- Remove Condition 7
- Agreed with Commissioner Wise that we tell them the percentage that we want and to give guidance to the staff and allow staff to determine if the applicant had met the criteria within a certain time limit.
- Okay with Condition 3
- Liked the idea of Condition 6 requiring the applicant to inform the city
- Regarding the transients she would not oppose removing the large trees for safety; replacing them with appropriate vegetation to maintain their landscaping.

#### Commissioner Bare

- Takeout Condition 7
- Okay with Condition 3
- Bring back the landscaping plan for the Planning Commission to review and get as close to 10% as possible

#### Commissioner Tilton

- One of the reasons he would like to have the landscape plan back before the Planning Commission is that he would not be comfortable in setting a percentage that evening; he was trying to be flexible and would like it as close to 10% as possible. Possibly after the Commission looks at it and pencils it out; maybe it will be 9% or whatever. He wanted it to be reasonable for the applicant.



- He did not have any remaining questions on the conditions, he agreed with the other Commissioners.

Chairperson Nieberlein reviewed the Commissioner's comments:

- All agreed on removing Condition 7
- The majority have stated that Conditions 3 and 6 are acceptable.
- Commissioner Tilton said he would like to see the landscaping to come as close to 10% as possible.
- After a poll of the Commissioners it was decided to bring the landscaping plan back to the Commissioners
- After a poll of the Commissioners the majority wanted 3 years on Condition 3. Commissioner Peters stated his displeasure with the decision.

### ***120 Day Decision Requirement***

CDD Belson said she would question the applicant as to how soon they would be able to have a revised landscape plan back to the Commissioners and then she could answer how quickly it could come back to the Commissioners. Commissioner Tilton asked if the applicant could waive the 120 rule; and CDD Belson said yes.

She said it might be in the best interest to have the applicant waive the 120 day decision requirement as part of that; but stated that he would have to do that voluntarily.

CDD Belson explained to the applicant that the Oregon state land use requirements state that the City provides a final decision to an applicant including any appeal within 120 days; that is why the Commissioners are concerned about the timing. The Commissioners have to get a decision made so if there is an appeal the city council can hear it within 120 days of the application being complete. She told the applicant that if he wanted to he could waive that requirement and allow a longer time if necessary, which would only be necessary if there was an appeal.

### ***Timeline***

Mr. Wenzel asked where the timeline was as of that evening. AP Pezley said the application was complete March 23, 2012.

### ***Automatic Waiver***

Commissioner Wise said it would be an automatic waiver if the applicant asks the Commissioners to do a continuance. CDD Belson said it was not automatic but the Planning Commission would only grant that if the applicant provided a waiver. Commissioner Wise said that state law states that they do not have to request that waiver per ORS 197. CDD Belson said he may be correct; but the safest way would be to get the waiver.

CDD Belson and Commissioner Wise spoke on the side reviewing the information he had provided on the ORS.

### ***Condition 3***

Commissioner Peters asked the Commissioners if they felt they could just ignore 10-4-7, of our code that sets out that a CUP authorization permit shall be valid for just one year and then it sets other conditions, for instance a one year extension could be granted; are we going to stand on the record that we're going to ignore this part of our code?

Commissioner Muilenburg said he did not read it the same as Commissioner Peters. When asked how he read it, Commissioner Muilenburg said “the conditional use permit shall be void one year after the date of approval, if they don’t get the building permit, or substantial completion.” He said this was not talking about the duration of the CUP. If they get a CUP and they do not do anything on the property for a year; it becomes void, but if they get a building permit, now they go into the 2 years of the CUP.

Commissioner Peters replied, except they can come back to the minutes of this meeting and say, “we were granted a CUP for 3 years,” and that supersedes the code. He said we had an instance that came up with the Planning Commission 10 years ago that allowed long range extension and we would not have wanted that; but it was done in violation of the rules then. He didn’t want the Commissioners violating their rules now.

***Discussion with CDD Belson and Commissioner Wise***

Commissioner Muilenburg asked to know what was discussed by CDD Belson and Commissioner Wise on the sidebar. CDD Belson asked Commissioner Wise to point out the section; it does read, “If the applicant requests a continuance that the 120 day time frame is also continued by that same amount of time.” Commissioner Wise said it was 2009 ORS 197.763 which is the conduct of local quasi judicial land use hearings. This is the one that sets the 120 day rule; “any continuance or extension requested by an applicant shall result in a corresponding extension of the time limitations of ORS 215.427 Final Action. If the applicant asks the Commissioners to extend they can’t use that to make the Commissioners to use up the 120 days. Commissioner Muilenburg said the hearing was closed so the applicant could not make that request.

Commissioner Muilenburg said the applicant would have had to request that before the hearing was closed; and Commissioner Wise replied, no, if we change any conditions on the resolution the applicant is entitled to the opportunity to have an extension.

Chairperson Nieberlein explained Condition 3 to Commissioner Peters as she interpreted it. No matter how many years we issue a CUP for; it will be void one year after the day of approval unless a building permit had been issued; it doesn’t make any difference how many years we make it. If after one year it doesn’t have a building permit it is void.

Commissioner Peters said that was his original intention; the code does impose a limit of one year; but if we (acting as a Commission) extend it to 3 years, it seemed to him that the party could make the claim that we have overridden this provision. CDD Belson said she doesn’t read it the same way that Commissioner Peters reads it.

CDD Belson said the one year is how long they have to get their project on the ground, in most cases on the ground includes a foundation; this is a temporary building so it would not have a foundation; therefore it is a separate issue. If there was no building there now, they would have one year to put their building in to retain their CUP. What the Commission determines as the temporary length is a different code section and a different issue.

Chairperson Nieberlein asked the Commissioners for their opinion on Condition 3. Polling the Commissioners the majority said to leave it as it is.

Chairperson Nieberlein reopened the hearing 9:30 pm.

Chairperson Nieberlein asked for direction from CDD Belson who stated that the Commissioners

wanted to find out how much time it would take the applicant to submit additional information.

Chairperson Nieberlein asked Mr. Wenzel if he could give them an estimated time it would take to bring back a revised landscape plans.

After some discussion it was decided that the applicant would get the information to staff by May 29<sup>th</sup> and the continued hearing would be set for the June 12, 2012 meeting at 7:00 pm.

Chairperson Nieberlein asked the applicant if he would waive the 120 day rule; Mr. Wenzel replied yes, he thought. CDD Belson explained in this case she did not see how the applicant could be hurt by waiving this; the building is already in place; as long as no one is taking the building away or preventing you from using the building she did not see there would be a problem delaying the land use decision. Mr. Wenzel then replied, yes, he would waive the 120 day rule.

Commissioner Muilenburg explained to the applicant that that normal trimming and maintenance of the landscaping was allowed; just don't remove anything.

Commissioner Peters moved to continue the hearing to June 12, 2012 at 7:00 p.m. at city hall; second by Commissioner Tilton.

Commissioner Muilenburg asked for clarification on the conditions required of the applicant on the landscape plan. Chairperson Nieberlein said the continuance is to allow the applicant to bring back a landscape plan with the goal of 10% landscaping.

Chairperson Nieberlein called for the question, by voice all ayes, motion carried unanimously. Chairperson stated that the hearing was continued to June 12, 2012.

## **5. PRIORITIZE THE TRANSPORTATION IMPROVEMENT PROJECT**

CDD Belson said there was a revised chart that was placed on the dais that evening. She said also included in the chart were the results of the Commissioner's priorities, so they could compare the results of the tally. With the recommendation that came from the PAC, there was a tie for 11<sup>th</sup> place. Chairperson Nieberlein tallied the votes and assigned 11-A and 11-B to the tied projects which were, 9<sup>th</sup> Street Bike Lane to the bridge on Hwy 101; and Heceta Beach Road Bike Lanes. She also pointed out that the 9<sup>th</sup> Street bike lane to the bridge should show \$46,000 for the estimated cost.

CDD Belson said unless anyone have changes, this how this table or one similar one would go into the draft plan, so it would have both the original priority and the Planning Commissioners priority so the council could see the difference.

Chairperson Nieberlein asked if they had to formally accept it and CDD Belson said there was no formal action to be taken.

Commissioner Wise asked to remove the two projects B-1, B-2; Heceta Beach Road Bike Lane and the Munsel Lake Road Bike Lane. He stated his concern that leaving them in would affect their credibility with the city council. Commissioner Peters asked if he was proposing that they go back and redo all of this or do something differently. Commissioner Wise replied, he was proposing removing projects B-1 and B-2.

Commissioner Wise moved to remove B-1 and B-2 from the list of priorities. Motion died for lack

of a second.

### ***Next Steps with the TSP (Transportation System Plan)***

CDD Belson said she was hopeful to work with consultants to identify all the changes that would respond to Commissioner's concerns and public comments. She said it would include the table and it would incorporate changes and fix inconsistencies. She was hopeful that staff would have it available at the next meeting. The Planning Commission would then pass a resolution and make a recommendation forwarding it on to the city council.

She said the Lane County Planning Commission was scheduled to have a worksession and public hearing on May 15<sup>th</sup> and we've scheduled a worksession and public hearing with the city council on June 18<sup>th</sup>.

She said the Coast Guard had asked that their application to be put on hold, it will come back but she was not sure when.

She said it was possible, if the Lane County Planning Commission made a decision at their meeting of May 15<sup>th</sup>, the Planning Commission would have their input before making their decision. She said the TSP required a co-adoption with the County because it applied to the entire urban growth boundary. She pointed out that we are not paying an application fee of around \$15,000 because it is being handled by Lane County Transportation staff and they are taking care of the noticing costs and the direct costs for processing of the application. She said normally, anytime the city asks the county to make a co-adoption on a plan, the city is required to pay an application fee.

## **6. PLANNING COMMISSION DISCUSSION ITEMS**

Chairperson Nieberlein said that Roger Center had applied for change of use, it could be done administratively but she was requesting that it come before the Planning Commission because there were some concerns with the last one that was done. She said a date would be set to hear this request.

Commissioner Muilenburg asked if the use was not allowed in that zone. CDD Belson said the Planning Commission approved a single family dwelling; they applied to use the RV barn as storage; the City does not allow storage as a primary commercial use in the commercial district. The City was having trouble getting to how the property owner could use it in a way that they wanted and still comply with our city codes. It also didn't meet city code for mixed use development because it requires that the commercial is up front and the residential behind; and it was not set up that way.

She said when she spoke with Melissa Anderson who had wrote the original staff report, she suggested staff view the storage area as an accessory to the main building (Black Diamond Flooring) and look at the two properties as one site. This would allow the commercial to be the primary use and the storage is supporting that primary use which meets the city code.

Commissioner Muilenburg asked if Black Diamond was a residence; staff replied, no. CDD Belson said it was the same ownership and staff will deal with it as one site.

## **7. DIRECTOR'S REPORT**

CDD Belson said CM Betz gave a report to city council in terms of staffing for the planning. She said it was decided not to hire someone to replace AP Farley-Campbell while she was gone with the military. She said they would utilize Chris Bell for a rate audit that staff normally does for the

EMAC. He had done the rate analysis this past year so he was in prime shape to do the audit.

She said they had applied for a RARE (Resource Assistance for Rural Environment) participant. We have had RARE participants in the past; Wendy originally started as a RARE participant. She said we will find out in June if we are selected as a host community; they would start in September.

She said the city entered into a contract with Crystal Shoji, who will do land use applications for us; she is going to start next Monday and she will basically be working from her office in Coos Bay. She does planning for a lot of southern coastal communities and she is also the Mayor of Coos Bay.

## **8. CALENDAR**

\* Tuesday, May 22, 7:00 pm – Regular Meeting

\* Tuesday, June 12, 7:00 pm – Regular Meeting and public hearing on Dialysis Clinic modification

With no further business to come before the Florence Planning Commission, Chairperson Nieberlein adjourned the meeting at 10:00 p.m.

APPROVED BY THE FLORENCE PLANNING COMMISSION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2012.

\_\_\_\_\_  
JAN NIEBERLEIN, CHAIRPERSON  
**FLORENCE PLANNING COMMISSION**

## Central Lincoln PUD Temporary Modular Building

PC 12 03 CUP 02

May 8, 2012

## Criteria

- Florence City Code, Title 10:
  - Chapter 3: Off-Street Parking and Loading- Sections 3, 4, 5, 8, 9, 10
  - Chapter 4: Conditional Uses- Sections 7, 9, 10, & 11-E-1-b
  - Chapter 6: Design Review- Section 5
  - Chapter 27: Main Street District- Sections 2-6
  - Chapter 34: Landscaping- Sections 2-5
  - Chapter 35: Access and Circulation- Sections 2-8 & 3
- Realization 2020 Florence Comprehensive Plan:
  - Chapter 1: Citizen Involvement: Policy 4 and 6
  - Chapter 2: Land Use section Commercial: Policy 1, 3, 4, & 6

## Location



## Air Photo -2010



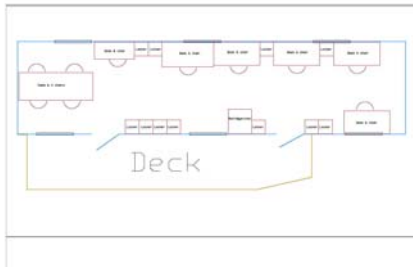
## The building



## The building



## Building layout



## Staff recommendation

- Three year approval with an optional two year if meets the requirements in FCC 10-4-9
- Provide replanting landscaping plan
- Trash enclosure
- Remove vision clearance hindrances



## Vision Clearance Solution



## Exhibit M: Landscape Plan



## Questions?

