

CITY OF FLORENCE PLANNING COMMISSION

April 23, 2013 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Chairperson Cheryl Hoile opened the meeting at 7:00 p.m. Roll call: Commissioners: Curt Muilenburg, Alan Burns, John Murphey were present, and Commissioner Robert Bare was absent. Also present: Interim Planning Director Kelli Weese and City Manager Jaque Betz

1. APPROVAL OF AGENDA

Commissioner Burns moved to approve the agenda as presented; second by Commissioner Muilenburg; by voice all yes, motion approved unanimously.

2. PUBLIC COMMENTS

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

There were no public comments.

PUBLIC HEARING:

3. MISCELLANEOUS PROPOSED TEXT AMENDMENTS – RESOLUTION PC 13 06 TA 02:

A proposal to amend multiple portions of the City of Florence Zoning Code (Title 10) in order to implement Oregon House Bill 3516, expand and clarify allowed uses, extend planning time frames, improve and clarify land use processes, and correct references and typographical errors throughout.

Chairperson Hoile said there was a public hearing before the Planning Commission that evening. The hearing would be held in accordance with the land use procedures required by the City in Florence City Code Title 2 Chapter 10 and the State of Oregon. Prior to the hearing(s) tonight, staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use Regulations which you believe applies to the decision per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue may preclude an appeal of this decision based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval without sufficient specificity to allow the Planning Commission to respond to the issue 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, prejudice, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.

Chairperson Hoile opened the public hearing at 7:04 p.m.

Chairperson Hoile asked if any commissioner wished to declare a conflict of interest, bias, ex parte contact or site visit, there were none.

Staff Report

IPD Weese gave a verbal presentation using information available in the staff report. She discussed the purpose, history, and recommended changes since the code changes were initiated in early 2007. She said public notice had been completed. Notices were mailed to property owners in the Old Town District on April 3, 2013 to ensure compliance with state law in order to clarify that animal daycare is not allowed in the Old Town District. She listed the applicable criteria as shown in the staff report. She said the next steps in this process were for the Planning Commission to hold a public hearing and provide a recommendation to the City Council and after that the City Council would hold an additional public hearing and make the final decision.

Questions from Commissioners

Commissioner Murphey questioned the wording in the Comprehensive Plan Chapter 2 Commercial Policy 4 the first sentence of page 5 of 8: "The City Council shall encourage". He felt encourage was a tough word and suggested it be changed to "only allow". City Manager Betz suggested they change the wording to say "may" instead of "shall" because shall means you will do something and it conflicts with encouraging if that sentence was going to be kept in the Comprehensive Plan. IPD Weese commented that these were in the staff report to ensure that the code changes were compliant with the Comprehensive Plan. She said the Comprehensive Plan changes were not included because that was another layer that staff was not prepared to complete. The Planning Commission decided the wording would not change.

Commissioner Murphey had a question regarding the Design Criteria on page 10: 10-25-5. This section pertained to HVAC, exhaust pipes or stacks, telecommunication or dish devices stating they shall be thoroughly screened. He wanted to know how this was going to be accomplished. IPD Weese responded saying that it is up to each individual business. Commissioner Muilenburg stated that this was not new proposed language. IPD Weese agreed and said only what was in red and underlined was new. After some discussion, IPD Weese clarified that this was something addressed with new a development during a design review application and anything that is pre-existing could remain unchanged.

Commissioner Muilenburg asked about Exhibit "B" on page 2 and he suggested that the Council needed to be the Hearing Body of Appeal. IPD Weese stated that the purpose of the appeals section was to have an appeal process for administrative reviews. She said administrative reviews, as far Florence codes were concerned, was a fairly new process and so code did not have an appeal process for an administrative review right now. She said the second sentence was kept because staff still wanted the City Council to be able to refer a matter back to the Planning Commission for an additional review. Commissioner Muilenburg stated he understood the change.

Commissioner Muillenburg then referred to page 4 of the Design Review and General Accountability section, and asked about the change titled "when required by the Zoning District". He wanted to know if the Planning Department reviewed all the zones in the districts and made sure they have the appropriate designation in there or their requirements in the codes. IPD Weese responded that staff had, and discussed the process.

Commissioner Muilenburg then questioned the code 10-8-4 regarding "replace/restore" discussion. He referred to the many discussions by the Planning Commission, City Attorney and the City Council on whether to use "replace or restore". He noted that the staff report was changed back to "replace" and his question was whether IPD Weese had taken into account all those discussion in to account in changing the language. IPD Weese stated that this particular item had gone through a few iterations, and discussed them, but said what was proposed was the current version. The Planning Commission discussed circumstances where a building would need to be replaced and how it could do so.

Commissioner Muilenburg asked for clarification on the changes of the Administrative Review criteria. IPD Weese responded that the purpose of that change was so that people wanting to do minor design review could do so without having to go to a hearing. She said if a person was doing an addition that was less than 25% or 1,500 square feet, whichever was less, it would be an administrative design review.

Public Testimony

Chairperson Hoile asked for testimony from those in favor of the proposal, those against the proposal and those that were neutral. No comments were heard.

Chairperson Hoile then closed the hearing at 7:26 p.m.

Planning Commission Deliberation

Commissioner Muilenburg commented that his main concern was that with all the minutes and discussions on the “restore/replace” issue that all those points were addressed. He felt they had been. He then commented on the dog overnight stay and care facilities, clarifying that they were not allowed in Old Town, but were limited basically to the service and industrial district or even commercial highway as long as they didn’t abut the residential use. IPD Weese stated that as it is written now, animal boarding and day care were not allowed adjacent to a residential use. She said that was the decision the City Council made when they went through their initiation process.

Commissioner Muilenburg made a motion to approve the Resolution, Second by Commissioner Murphey, by voice all ayes, motion passed unanimously.

4. PLANNING COMMISSION DISCUSSION ITEMS

No items to discuss

5. DIRECTOR’S REPORT

IPD Weese referenced the monthly report for the Building and Planning Department for the month of March 2013. IPD Weese stated that they added a little section regarding customer service inquiries in the department, but other than that it was business as usual. Commissioner Hoile commented on the fact that there were a lot of building questions and asked if BT Rines handled all of them. IPD Weese responded that yes he did.

6. CALENDAR

IPD Weese informed the Commission on upcoming calendar events including...

- Tuesday, May 7, 2013 – Siuslaw Estuary Partnership Joint Hearing with the Lane County Planning Commission, 7:00 pm at Florence City Hall
- Tuesday, May 14, 2013 – Public Hearings for: Peace Harbor Hospital Design Review, Siuslaw River Christian Fellowship Church 7:00 pm at Florence City Hall
- Tuesday, May 28, 2013 – Public Hearing, Cannery Station Development, 7:00 pm at Florence City Hall
- Tuesday, June 11, 2013 – Regular Session, 7:00 pm at City Hall

Chairperson Hoile adjourned the meeting at 7:35 p.m.



Cheryl Hoile, Planning Commission Chairperson